Acta Apostolicae Sedis

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Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
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Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 5*]

Year III. - Vol. III. January 16, 1911. No. 1. OFFICIAL COMMENTARY OF THE AGTAIPOSTOIJGAEIEI. ACTA OF POPE PIUS X. APOSTOLIC LETTER. I. PRIVILEGES RELATED TO NIGHTLY ADORATION AND INDULGENCES ON THE OCCASION OF THE FIRST CENTENNIAL FROM ITS ERECTION. POPE PIUS X. For the sake of future remembrance. — Since, for those of us who desire everything to be renewed in Christ, nothing is more important than that the piety of the Christian people towards the Mystery of Divine Love be awakened and increased, especially in these grave times for the Church, we strive, with a willing and grateful heart, to commend pious societies of the faithful, instituted for this fruitful purpose, both with due praise and with special graces. Among these noble groups, whose members, guided by the spirit of defending the faith, are accustomed to gather piously before the Holy Eucharist, publicly exposed for adoration, the Archiconfraternity of Nightly Adoration of the Most Holy Sacrament, exposed in the form of the Forty Hours, which flourishes in this esteemed city, undoubtedly holds a prominent place. This year, the same Archiconfraternity celebrates its centennial from its original establishment, for when Our Predecessor, Pope Pius V, of blessed memory, was held captive by the powerful Napoleon, certain faithful individuals in this esteemed city, in order to commend the affairs of the Church and of the homeland, which were in great peril, to Divine Mercy, undertook to establish this singular work of piety. On the night preceding November 20, 1810, in the Basilica of Saint Mary in Via Lata, with the authority and auspices of two priests of holy life and two most pious laymen, the first vigil of adoration before the Sacrament in the Forty Hours was held.

[*Latin ed. p. 6*]

6. Acta Apostolicae Sedis. - Official Commentary. The ”forma” of the twenty hours is proposed. This work, canonically established after the auspicious return of our Predecessor, has flourished abundantly until our time in the field of Dominic. Now, since the group of moderators of this Archisodalitas, on the occasion of this first centennial jubilee, has scheduled a solemn general vigil in the very temple where the previous vigil was celebrated, that is, in the Basilica of Saint Mary in Via Lata, to be held on the night preceding the twentieth day of the month of November, and since the same group, through its beloved son Vincent Bugarini, Apostolic Protonotary, Cleric of our Apostolic Chamber, and President of the aforementioned Archiconfraternity of Nocturnal Adoration, has humbly requested that We deign to enrich the aforementioned solemn general vigil with certain graces and indulgences from Apostolic benevolence, We have readily and gladly agreed to these pious requests. Therefore, since this is the case, all and each of the faithful who are members of this fruitful Archiconfraternity, wishing to follow

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this with a special manifestation of the will of the Pontiff, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We hereby grant, that this year, at midnight on the night preceding the twentieth day of the month of November, a solemn Holy vigil may be duly celebrated in the Basilica of Saint Mary in Via Lata of this City, and We also grant that all those present during the aforementioned Holy vigil, even those not enrolled in the Archiconfraternity, may lawfully approach the Holy Synaxis. Furthermore, to all those present at the sacred vigil, who, either during that night or in the morning of the preceding day of the ninth of November, have duly confessed and been absolved, and who offer pious prayers to God for the concord of the Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We mercifully grant, in the Lord, a plenary indulgence, applicable also to the souls of the departed. Moreover, We grant that the faithful who are members of the same Archisodalitas and who participate in that night's vigil, even if the customary order of prayers is not observed during that vigil, may nevertheless obtain all the indulgences and spiritual graces with which the same Archiconfraternity is endowed through the generosity of the Apostolic See. Finally, since just funeral ceremonies are also celebrated in the month of November, We decree that all the faithful, who, having duly confessed and been nourished with the bread of the Angels, participate in this office, and who also offer prayers as mentioned above, may obtain a plenary indulgence, with which they may, if they wish, piously alleviate the pains and penalties of the departed, in the manner customary in the Church.

[*Latin ed. p. 7*]

Acta of Pope Pius X, 7, valid only for this year, notwithstanding any contrary provisions. We earnestly pray to God, the author of all good things, that He may favorably grant success to this most pious work, and may He add glory to the very Archconfraternity. Finally, We bestow Our blessing upon the administrator, the moderators, and all the members, and We impart, in the Lord, Our Apostolic Blessing as a pledge of Our will. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the eleventh day of November, in the year 1909, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. £ß S., Secretary of State.

FACULTIES AND INDULGENCES FOR MISSIONS HELD BY THE BROTHERS OF THE ORDER OF MINORS OF ST. FRANCIS IN AMERICA.

PIUS PP. X. To all the Christian faithful who shall read these documents, We offer greetings and Our Apostolic Blessing.

We are grateful for the efforts made by religious men, so that the number of the Christian faithful may happily increase, and so that the Catholic faith, together with good morals, may be spread, especially to distant regions.

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Since We have learned of the zeal and care with which the Brothers of the Order of Minor Friars of St. Francis, in their regular provinces of Latin America, proclaim the divine word, perform sacred missions, and engage in spiritual exercises, We have graciously received the supplications of our beloved son, Bonaventure Marrani, the Supreme Procurator of that Order, and We willingly renew the privileges already granted to them by this Apostolic See, according to the tenor of these documents.

Therefore, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, We grant, to all and to each person of both sexes who shall attend at least three mission sermons, which the Brothers of the Order of Minor Friars will hold in their regular provinces of Latin America, and who, on one of these days, choosing at their own discretion, shall devoutly visit the parish church of the place where the missions are held, truly contrite and having confessed their sins and having received Holy Communion, and who there shall offer devout prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, We grant, in the Lord, a plenary indulgence for all their sins.

This plenary indulgence may also be obtained by other faithful, even if, within the fifteen days following these missions, they...

[*Latin ed. p. 8*]

8. Acta Apostolicae Sedis. - Official Commentary. It is stipulated that those present, having been added to the end [of the gathering], and admitted outside the Parish, where Missions are conducted, may duly offer the Holy Sacrifice and partake of the Angelorum bread, provided that each one visits their own parish church and, as is fitting, offers prayers to God there. Furthermore, We, by Our Apostolic Authority, grant these Brothers the faculty to impart the Apostolic Blessing with the Cross under a single sign and with the plenary indulgence attached to the Christian people at the final session of the Missions, which may be obtained both by the Missionaries themselves and by the faithful who are present and fulfill the usual conditions for this blessing; and also, at the end of these Missions, to erect commemorative crosses and to bless them with a plenary indulgence, which may be obtained only by those faithful who, truly contrite and having confessed, and having been refreshed with the heavenly food, visit the parish church of that place, where such crosses have been erected, either on the day of erection, or on the anniversary of that day, or even on the following Sunday, and also, either on the feasts of the Invention and Exaltation of the Holy Cross, or on the Sunday immediately following, from the first vespers until sunset on those days, each year, and to pray before the aforementioned crosses, as stated above. To those faithful who, at least with a contrite heart, recite the Angelic Salutation seven times before the aforementioned crosses, or in honor of the Wounds of Our Lord Jesus

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Christ, the Our Father and the Angelic Salutation five times, We grant a remission of three hundred days from the penitences prescribed to them, or in any other manner due, according to the usual form of the Church. We also grant that all and each of these indulgences, remissions of sins, and relaxations of penances may also be applied to the souls of the Christian faithful who, having been joined to God in charity, have departed from this life, as a form of suffrage. With the same Authority, We grant that the Missionary Priests of the same Order of Minor Religious may, with the application of Indulgences, which are contained in the list published by the Holy Congregation of Propaganda Fide on August 28, 1903, and with regard to prayer crowns, not excluding the Indulgences attributed to St. Bridget, bless and consecrate crosses, crucifixes, sacred medals, prayer crowns, and small metal statues of Our Lord Jesus Christ, the Blessed Virgin Mary, and all the Saints, either according to the usual form of the Church, publicly or privately. Finally, We grant the power by which these Brothers may not only bless the four scapulars, namely those of the Most Holy Trinity, the Passion of Our Lord Jesus Christ, the Immaculate Conception of the Blessed Virgin Mary, and the Sorrowful Virgin Mary, connected by a single cord, provided that they are made according to the standard approved by this Holy See, under a single formula, and with the application of the indulgences attached to the respective scapulars, but also to bless other scapulars as well.

[*Latin ed. p. 9*]

Acta of Pope Pius X, paragraph 9: To impose upon the faithful, and since, on account of the devotion of the Christian people and the scarcity of priests, all things cannot be fulfilled according to the norm during the principal feasts of the year, We, by Our authority, grant that the aforementioned faithful, to whom the scapular has been given, may be enrolled in the respective Confraternity, even if their names are not recorded in the catalog. This is to be done, notwithstanding any objections. These present documents are valid for five years only. We decree that, as regards these present letters, or even printed copies thereof, if signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same full faith shall be given to them as would be given to the present documents if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the eleventh day of November, 1910, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, Secretary of State.

III. ELECTION TO THE ARCHPRIESTLY CHURCH.

PIUS PP. X. For the perpetual memory of this matter.

We are always pleased to enhance sacred buildings, which are distin-

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guished not only by their antiquity but also by the exceptional piety of the faithful, with honorary titles and privileges, according to the custom and the practice of the Roman Pontiffs.

Moved by this purpose, We have easily decided to raise the parish church, dedicated to the holy Martyr St. Lawrence, located in that place commonly called "Buia," and situated within the boundaries of the Archdiocesan territory of Udine, to a higher degree of dignity.

It is known that this church was founded in ancient times, and that it has always deservedly been celebrated, either for the zeal of its pastors in promoting piety, or for the frequency and splendor of the sacred functions, encompassing a large multitude of faithful living in a vast region.

And since, for the better spiritual benefit of the Christian people, a certain portion has been separated from this parish church, and a parish of its own has been established, We consider it fitting to bestow eminent honors upon this mother church, from which, like a fruitful tree, five other parishes have now sprung forth.

Therefore, We benignly accept the votes and suffrages given by the present parish priest of the same church, and by the people themselves, which have all been confirmed by the Udine Curia, and We decree that the parish church dedicated to the holy Martyr St. Lawrence, and located in the town commonly called "Buia," within the Archdio-

[*Latin ed. p. 10*]

10. Acta Apostolicae Sedis. - Official Commentary. With the Utinensis establishment having been placed under the Archpresbyteral jurisdiction, by Our Apostolic Authority, by the present document, We erect and constitute it, together with all and each privileges, honors, prerogatives, and indulgences. Furthermore, by Our authority, We grant that the parish priest, for the time being, may lawfully enjoy the title of Archpriest, only during the exercise of his office, and We grant him the necessary and appropriate faculties for this purpose, as well as through these letters. Notwithstanding anything to the contrary. These present documents shall remain perpetually valid. We decree that these present letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and that they shall fully suffice for those to whom they pertain or may pertain in all things and through all things: and that, accordingly, matters concerning these things should be judged and decided by any ordinary or delegated judge, and that they shall be null and void if, by anyone, through any authority, knowingly or unknowingly, anything should happen to be attempted in opposition to them. Given at Rome, near St. Peter's, under the Fisherman's ring, on the nineteenth day of November, in the year 1910, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, L. £ß S. a Secretis Status. IV. THE CHURCH OF ST. TROPHIMA IN THE SMALL TOWN IS ELEVATED TO THE DIGNITY OF

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A MINOR BASILICA. PIUS PP. x For the perpetual memory of the matter. As is the custom of Our Predecessors, the Roman Pontiffs, We are accustomed to adorn and enhance temples of God with venerable antiquity and splendor of monuments, with special titles appropriate to the matter and time. Among these is the sacred temple of the Virgin and Martyr Trophima, located in the town called "Minori," within the boundaries of the Archdiocese of Amalfi, which is the principal patroness of the city before God. Indeed, that building, formerly a cathedral church, restored in the past century, is distinguished not only by its size, but also by works of all kinds of art, especially painted panels; moreover, it appears even more glorious because the venerable relics of its patroness, the Virgin and Martyr, are religiously preserved within it, in a magnificent crypt, and have long been cherished with great piety. It abounds in the relics of other saints, some of which are notable, and in rich furnishings; moreover, it has been enriched by privileges and sacred indulgences granted by the Apostolic See. It is also distinguished by ecclesiastical offices, since there, in addition to the...

[*Latin ed. p. 11*]

From the Acts of Pope Pius X, July 11th, a group consisting of five dignitaries and ten canons, along with others from the clergy who diligently perform their sacred duties, have petitioned. Indeed, when the clergy and the people, urged by us through fervent prayers, requested that We deign to declare the aforementioned church a minor basilica, We, considering the illustrious adornments of that place, and with the most ample recommendation of the Archbishop of Amalfi, deemed it fitting to grant their request with a willing heart. Therefore, by Our Apostolic authority, through the force of these letters, We elevate the ancient and noble church, dedicated to Saint Trophima, Virgin and Martyr, in the city of Minor, to the dignity of a minor basilica, and We grant it all the privileges that belong to the minor basilicas of Our beloved city; We decree that these Our letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully support those to whom they apply, now and in the future, in all things and through all things: and thus, in the matters mentioned herein, they ought to be judged and decided by any ordinary or delegated judge, and shall be considered null and void if anyone, with any authority, knowingly or unknowingly, should attempt to alter them: notwithstanding any Apostolic Constitutions, and all other things to the contrary, whatever they may be. Given in Rome, at St. Peter's, under the Fisherman's ring, on the 29th of November, 1910, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, L. £ß S., Secretary of State.

LETTERS.

I. TO JOSEPH M. CARD. MARTIN DE HERRERA Y DE LA IGLESIA, ARCHBISHOP OF COMPOSTELLANUM, IN RESPONSE TO LETTERS

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FULL OF DEVOTION AND RESPECT.

Beloved Son, greetings and Apostolic blessing. — We have learned, as is fitting, that you attribute great importance to the authority and teaching of the Apostolic See, as We understood from the letters you recently sent to Us. In them, you recounted and celebrated the documents that We have recently published, both for the preservation of the integrity of the Catholic faith, and for the promotion and strengthening of Christian morals. We have certainly striven, to the best of Our ability, in carrying out Our supreme pontificate up to this day...

[*Latin ed. p. 12*]

Acts of the Apostolic See. - Official Commentary. We see that, through the aroused zeal for faith and piety among the people, the Christian character is being restored widely in the nations, and all Christian institutions are flourishing so that they may contribute most effectively to the renewal of souls – which, indeed, is what our age so greatly needs. And may all those who are devoted to the Catholic faith receive our words with attentive ears: may the virtues of the best times of the Church be revived, and may Christian praises flourish. In the meantime, beloved Son, partner in our concerns and labors, continue with all eagerness to promote and encourage our plans and endeavors. To you, who are engaged in the good struggle of faith, there will be support from those who, in this difficult and fearful time, have placed you as a bishop to govern the Church. May this be more successful, we impart to you, our beloved Son, and to your clergy and people, our apostolic blessing, as a pledge of divine favor and of our benevolence. Given in Rome, at St. Peter's, on the twentieth day of the month of October, in the year 1910, in the eighth year of our pontificate. PIUS PP. X. TO THE MOST REVEREND FATHER, FATHER FRANCIS DE BETTINGER, ARCHBISHOP OF MUNICH AND FREISING, AND TO OTHER ARCHBISHOPS AND BISHOPS OF BAVARIA, IN OBEDIENCE TO THE FILIAL VENERATION DUE TO THEM, PRESENTED TO THE MOST BLESSED FATHER BY THE EPISCOPAL BODY THROUGH LETTERS. Venerable Brothers, greetings and the apostolic blessing. — It has been truly pleasing to us that your letters, which you recently sent, have provided some solace amidst our anxieties. As is your custom, you have taken the initiative to present to us the matters that will be most beneficial to your churches, a gesture of outstanding significance and worthy of praise. Moreover, it has pleased us to receive the requests in which you ask for suitable assistance from us for those matters, although you are undeserving. We have appreciated both: one openly demonstrates your connection with the Apostolic See, while the other shows your piety towards us. Both are, indeed, most welcome to us. The times in which the Church finds itself are so difficult that we clearly and fully realize how much we need divine help and the closest union with our venerable brothers. This is plainly

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the reason why our responses to your services are so abundant. Therefore, we earnestly implore God to grant you heavenly gifts. And that our supplications may receive more abundant graces, let us remember Charles Borromeo, whom you constantly venerate.

[*Latin ed. p. 13*]

Acts of Pope Pius X, 13th session, we readily make use of this supplication. In the meantime, we bear witness to Our benevolence to you, Venerable Brothers, and impart with paternal affection the apostolic blessing to each of your clergy and people. Given in Rome, at St. Peter's, on the 25th day of the month of October, 1910, in the eighth year of Our pontificate. PIUS PP. X. III, TO THE MOST REVEREND FATHER EDWARD PULCIANO, ARCHBISHOP OF GENOA, AND TO THE OTHER BISHOPS OF LIGURIA, IN GRATITUDE FOR THE DEVOTION SHOWN ON THE OCCASION OF THE ANNUAL EPISCOPAL CONVIVIUM, COMMUNICATED TO THE MOST BLESSED FATHER BY LETTER. Venerable Brothers, greetings and the apostolic blessing.

Amidst the hardships with which we are beset and pressed on all sides, the letters which you sent to Us, bearing the messages of your piety, before dismissing the assembly which each year your pastoral concern compels you to convene, have brought, indeed, not a light, but a considerable solace. We are truly pleased that, sharing our sorrows, as becomes brothers addressing one another, you have not spared the judgment you have made concerning those matters which we have recently deemed necessary to decide in this time, in order to safeguard the integrity of the deposit of faith and to strengthen the Catholic discipline. Nor have you passed over in silence the injuries which, not many days ago, were openly and impudently inflicted upon Us and upon the venerable majesty of the Catholic Church itself, here in Rome. We have experienced anew the piety which we have always observed in you, and we rejoice with you in it. May this piety be strengthened and increased day by day; and may the apostolic blessing, which, with the favor of heavenly graces, we impart with paternal affection to you, Venerable Brothers, and to each of your clergy and people, contribute to this. Given in Rome, at St. Peter's, on the 26th day of the month of October, 1910, in the eighth year of Our pontificate. PIUS PP. X. IV, TO THE MOST REVEREND FATHER PAUL BRUCHESI, ARCHBISHOP OF MONTREAL, REGARDING THE RECENT CATHOLIC CONVIVIUM OF CANADIANS HELD IN MONTREAL, FOR THE PROMOTION OF THE CULT OF THE MOST HOLY EUCHARIST. Venerable Brother, greetings and the apostolic blessing.

Regarding the convium of Canadian Catholics recently held in Montreal,

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for the promotion of the cult of the Most Holy Eucharist, your...

[*Latin ed. p. 14*]

14 Acta Apostolicae Sedis. - Official Commentary. We rejoice that the events transpired with such success, and we congratulate you, Venerable Brother, and those involved, with all our heart. It was truly a wondrous spectacle of faith and piety that was witnessed during those days; and it was presented with such a Christian spirit, such harmony of souls, and such devotion, that it seemed to provide a grand stage for the public expression of religion, within the walls of a great city teeming with people, both native and foreign, and bustling with activity. We scarcely ever forget the reports that reached us at that time concerning the public events: the multitude of pilgrims; the large throng of supplicants; the sacred buildings and the most celebrated places in the city resounding with divine praises; the Purple Fathers, many Sacred Ministers, countless priests, and finally, men and women, numbering many thousands, drawn from almost every land, carrying the most holy Sacrament of the Body of Our Lord through the streets and squares, with the utmost reverence and solemnity, celebrating the Holy Mass. These things are indeed joyous and full of consolation; but they are even more joyous when these magnificent external expressions of worship are a manifestation of the spirit and virtue; so that they are not separated in any way from the solid growth of inner Christian life and from the fruits of eternal salvation. It is certainly not fitting for Catholic gatherings to lack this praise: we add that it must be, and should be, the primary and most important thing, that the confession of faith leads to salvation. However, we have not found that even this was lacking in the Marianopolitan gathering. Indeed, there were countless people who, nourished by the Bread of Angels and united with Christ through the Eucharist, experienced the benefits of divine communion during that time. And this is also due to your foresight, Venerable Brother, that you have not only served the present time, but have also taken care of those things that would foster the piety of the faithful for the future. To this end, wise counsel was given by certain men, both from the clergy and the laity, under the guidance and auspices of the Bishops: namely, to devise and establish methods by which the devotion to the Eucharist, once awakened, would not be fleeting, but would endure. This is truly excellent and highly commendable, and it is something that should be cultivated with particular care by Bishops in Catholic gatherings. All of these things, which were reported to us long ago from distant America, and which were first presented in writing, and then, before us, in person, were eloquently described by our Venerable Brother Vincent Vannutelli, Bishop of Praeneste, who presided over the gathering in our name and with our authority; and we are pleased to receive them again through the letters you have sent us, and to rejoice again. We have good hope that the Canadian Church will experience significant growth as

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a result of the celebrated festivities.

[*Latin ed. p. 15*]

Acta Pii PP. X. Our wishes are the greatest; and we commend this with all our heart to your divine goodness and favor. To you, Venerable Brother, to the clergy and people of your diocese, and also to all those who attended the Marianopolitan gathering, we impart with heartfelt sincerity our apostolic blessing, a testament to our benevolence. Given in Rome, at Saint Peter's, on the third day of the month of November, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. To the Most Reverend FELIX AUGUSTUM BÉGUINOT, Bishop of NEMAUSENSEM, UTICENSEM, and ALESIENSEM, celebrating fifty years of priesthood. Venerable Brother, greetings and our apostolic blessing. — You recently announced, in your letters, the approaching day of the fiftieth anniversary of your priestly ordination; indeed, our piety cannot remain silent towards you, nor can it be merely a shadow. For the joys of a brother are not so exclusively his own that they cannot be shared with his brother. If all things are held in common with friends, what then with brothers? Therefore, we too share in your joy: receive our wishes for happiness, most sincerely expressed. May a great abundance of joy be brought by this apostolic blessing, which, as a testament to our benevolence and a means of bringing about heavenly gifts, we impart with heartfelt sincerity to you, Venerable Brother, and to the clergy and people rejoicing with you in the Lord. Given in Rome, at Saint Peter's, on the fourth day of the month of November, 1910, in the eighth year of Our Pontificate. PIUS PP. X. To ANTONIUM CARD. FISCHER, Archbishop of Coloniensi, regarding the Eucharistic celebration solemnly observed by the faithful of Coloniensi. Beloved Son, greetings and our apostolic blessing. — If the utmost diligence with which you administer your pastoral duties, and also the singular devotion with which the Catholic people of the Archidiocese of Coloniensi respond to your studies and care, did not provide sufficient reasons, other arguments would not be lacking.

[*Latin ed. p. 16*]

16 Acta Apostolicae Sedis. - Official Commentary. They request, moreover, many and illustrious things, quite sufficient and even more than sufficient to demonstrate those excellent deeds which We recently taught you. Among these, it is particularly pleasing to note that on one day, the Sunday of October, numerous inhabitants of the city and of the surrounding villages celebrated the Eucharist in Our honor, commending to God the Catholic religion, so greatly extolled. They added to this, with no less memorable devotion, by contributing a sum of money of 'unusual generosity' to alleviate the needs of the Church. It was also a source of considerable comfort to Us to learn that these Catholics of all ranks, in solemn assemblies convened for that purpose, expressed the deepest regret for the insults

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which had been directed against Us and the Church by those who hold the highest magistracies in this esteemed City. Therefore, these testimonies of your piety and faith give Us cause to congratulate you, who are reaping such abundant fruits from your labors. And while We do this, We also command you to diligently thank all those who, here, have deservedly shown piety towards Us, in Our name; and furthermore, We implore you to beseech God that their merits may be rewarded with great recompenses in this life and in the life to come. As a witness to this same and special benevolence of Ours, We impart to you, Our Beloved Son, and to your clergy and people, Our apostolic blessing. Given at Rome, at Saint Peter's, on the ninth day of the month of November, in the year 1910, in the eighth year of Our pontificate. PIUS PP. X. VII. TO THE VENERABLE BROTHERS FREDERICK, ARCHBISHOP, AND THE BISHOPS OF THE PROVINCE OF ROTHOMAGENSIS. Venerable Brothers, greetings and apostolic blessing. — We have gladly learned, with evident attention and zeal, the method you propose for admitting children to the Eucharist in the future. For it is clear that in this you seek to fulfill both the prescriptions of Our Decree, Quam singulari, with due religiousness among you, and to preserve, as much as possible, the institutions of your dioceses. Both of these aims seem to be conveniently achieved by this method. Therefore, We approve of this procedure: and you must ensure that it is diligently observed by all those to whom it pertains. We anticipate, meanwhile, the divine benefits which will result from this.

[*Latin ed. p. 17*]

17 The Acts of the Most Holy Father [Pius X] grant that, although we expect abundant blessings for your congregations, we impart to you, Venerable Brothers, and to your clergy and people, our most loving apostolic blessing. Given in Rome, at St. Peter's, on the fourteenth day of the month of November, 1910, in the eighth year of Our Pontificate. PIUS PP. X. VIII. TO OUR DEAR SON, NOBLE SIR, COUNT WILLIAM OF HOENSBROECH, MAJOR KNIGHT HONORARY OF MALTA, PRESIDENT OF THE SQUADRON OF KNIGHTS THROUGHOUT THE RHINELAND AND WESTPHALIA. Dear son, noble sir, greetings and our apostolic blessing. — Among the Catholic men who, in every action of life, worthily bear this name – of whom, indeed, there is a great abundance in these regions, by the grace of God – we have learned that you and the other knights of your splendid Order are among the foremost. For we receive many pleasing reports concerning your eagerness and zeal, with which you promote the institutions of religion and Christian charity, as well as concerning the constancy and faith with which you follow and uphold the authority of the Apostolic See and defend its rights. Therefore, we congratulate you most heartily, and promise you the utmost paternal benevolence and charity. May you continue to persevere in this path upon

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which you have embarked, with the help of divine grace: for which We, with paternal affection, impart to you, dear son, noble sir, and to your companions, our apostolic blessing. Given in Rome, at St. Peter's, on the fifteenth day of the month of November, 1910, in the eighth year of Our Pontificate. PIUS PP. X. IX. TO THE VENERABLE BROTHER ALFRED, BISHOP TITULAR OF ARCENSA, APOSTOLIC ADMINISTRATOR OF THE DIOCESE OF LUCANIA. Venerable Brother, greetings and our apostolic blessing. — In order to suitably celebrate the secular festivities in honor of Charles Borromeo, to whom the greatest praise is due, for having so excellently established the discipline of his clergy, you rightly judged that nothing could be more fitting from you than if the first Synod of the Lucanian Diocese were held, with you as its leader and under your auspices. We have learned, from your and your priests' ACTA, vol. III, n. 1, that this was happily celebrated.

[*Latin ed. p. 18*]

18 Acta Apostolicae Sedis. - Official Commentary. By common letters, which greatly delighted Us, full of your obedience and your love for Us. And we do not doubt, according to our opinion, of your diligence and prudence, that wise counsel has been given to the Church of Lucania in these times. It remains that the benevolent God may grant prosperous outcomes to your labors; which we earnestly pray for, and therefore, to you, Venerable Brother, and to your priests, and also to the people entrusted to your care, we impart our most loving apostolic blessing. Given in Rome, at St. Peter's, on the twenty-eighth day of the month of November, 1910, in the eighth year of Our Pontificate. PIUS PP. X. X. TO OUR DEAR SON ANTONIO, S.R.E., BISHOP, CARDINAL FISCHER, ARCHBISHOP OF COLONIENSI. Dear Son, greetings and apostolic blessing. — The things which you write to Us in your name, and also in the name of the Venerable Brothers, the Bishops of Germaniae, who celebrated a solemn gathering with you in Fuldae, concerning matters discussed in common, greatly delight Us; especially since it is clear that fraternal charity has entirely dominated your deliberations, so that the variety of opinions in discussion has not in the least hindered the agreement of all in deliberation. We rejoice that you have diligently considered the social matter, so that bitter animosities and contentions, which exist between the two classes of associated workers, may be removed; and for that reason, that certain laws have been established for both associations, which they must follow, so that in each region they may strive for the true benefit of both masters and workers, and that with religious and civil advantage. It is also pleasing to us that you signify that, in order to carry out Our Decree in a singular manner, you have established, by a common letter, to teach and admonish the people what should generally be done, so that the children may, above all, participate in the Holy Eucharist. In this, we wish it to be understood

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that the faithful do not act so much in obedience to the precept of the Roman Pontiff, but so that such a service may be performed, which spontaneously arises from the very teaching of the Gospel, and so that the ancient and perpetual custom of the Church may be restored wherever it has been interrupted. — As for the power granted by Us to the Bishops to remove pastors from their parishes, for economic reasons, we are not surprised that those who fear it will oppose this Decree, and perhaps even from themselves.

[*Latin ed. p. 19*]

The acts of Pope Pius X record that he urged public officials of various states to obstruct the enforcement and effects of that decree. Although the exercise of this authority always requires careful consideration and prudence, we do not wish that the pursuit of prudence should ever degenerate into timidity, so that a Bishop, overwhelmed by difficulties, might not dare to do what he sees to be of great importance for the salvation of souls. Indeed, in the discharge of duty, especially that which pertains directly to the glory of God, no battle must be spared, but rather must be faced courageously, since God Himself, the strong helper, is present with those who fight.

Concerning the detestable errors of the Modernists, and with regard to the formula prescribed by Us, We have declared, using a benign interpretation of the law, that We do not intend that Motu Proprio to apply to priests who profess sacred disciplines in civil universities. However, if any of these public lecturers also engage in the ministry as confessors or preachers, or hold a sacred office, or perform any duty in ecclesiastical courts or tribunals, it was certainly not Our intention, nor is it now, to exempt them from the common law of taking the oath. But those to whom it is permitted, as public lecturers, to abstain from taking the oath, if they freely choose to avail themselves of this permission, will perhaps not raise any suspicion about the soundness of their doctrine, but rather they will show that they are miserably subservient to the judgments of men, blindly revering the authority of those who, not from conviction but from hatred of the Catholic profession, clamor and pretend that the dignity of this sacrament is violated and the progress of studies is hindered by human reason. Therefore, in this matter, beyond what We have said, We do not deem it fitting to grant any exceptions.

Furthermore, We are persuaded that those to whom We have granted the grace of dispensing with the oath will be foremost in demonstrating a manly spirit in giving it, and will not hesitate, if circumstances require, to endure insults; for it would be easily seen that they are unworthy of the Christian ministry, if they were ashamed to be ministers of Our Lord Jesus Christ.

We are grateful for the words you addressed to your people, as you were,

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indeed, received by Us only recently, due to your great merits towards Us. For We hold dear all those who show their piety towards Us, especially Our most beloved sons, the Cardinals, and the Venerable Brothers, the Bishops, who share with Us the burden of governing the Church; and We desire nothing more than that Our charity and benevolence should be evident towards them.

Finally, We thank you for all the blessings, of which We speak with heartfelt gratitude; and We invoke the heavenly blessings, which We pray for, upon you, Our beloved son, and upon all the Bishops of Germany, especially the Cardinal Bishop of Vratislavia.

[*Latin ed. p. 20*]

To our beloved son, Anthony Joseph, Priest of the Most Holy Roman Church, Cardinal Gruscha, Archbishop of Vienna, and to our Venerable Brothers, the other Archbishops and Bishops of the Austrian Province.

Greetings and the Apostolic Blessing.

We recently received from you, full of love and duty, letters in which you informed us of the solemn deliberations you held in Vienna concerning your common affairs. Having read these with great pleasure, we cannot but express our profound gratitude and heartfelt congratulations to you. Indeed, in these difficult times, which bring us so many cares and anxieties both at home and abroad, we would surely be overcome by labor and sorrow, were it not for the divine Author and Preserver of the Church, who sustains our weakness with His present help. But, besides the goodness of God, what greatly comforts and revives us is the zeal of the sacred pastors, who, bound to us by the bond of will, as well as by the bond of dignity, lighten the burden of the Apostolate for us in part with their energy and diligence. We know, of course, that you are among this number; but that outstanding expression of your piety towards us, or that declaration of your intimate connection with the Apostolic See, or that manifestation of obedience and faith, with which you strive to obey the precepts and desires of the Roman Pontiff, has been a source of considerable comfort to us; and for this reason, our gratitude is due to you.

And the reason we congratulate you is that, from among the group in Vienna, you seem to have taken on a greater eagerness to fulfill the duties of the Good Shepherd, and especially in those matters which today most require your diligence. For whatever we have done up to this day for the benefit of the Church, whatever you praise and admire, and especially those things which we have instituted to restrain the pest of Modernism, to increase the authority of the Bishop in the ordination of parishes, and to promote the distribution of the Body of Christ to children, you do piously and humanely; for we have done nothing but what our office and duty demanded; but nevertheless, we know that you will all strive to ensure

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that these matters—

[*Latin ed. p. 21*]

The Acts of Pope Pius X, number 21, are written; you, for your part, must execute them with the utmost diligence. Furthermore, Our exhortation is not needed to spur on your virtue: your own zeal sufficiently excites and sharpens your efforts for the Church; this is because the conspiracy against the Church grows ever more serious. Hence, you have so indignantly borne the recent reproaches leveled against the Roman Pontificate, and the recent insults inflicted upon the majesty of Religion in this venerable City. Therefore, as you have requested, we pray that the gifts of divine grace, by which your labors may be aided and made fruitful, may flow abundantly upon you from Heaven; and with these, we impart, to you, our beloved Son and Venerable Brothers, and to your clergy and people, our paternal apostolic blessing. Given in Rome, at St. Peter's, on the seventh day of the month of January, in the eighth year of Our Pontificate. PIUS PP. X.

TO THE VENERABLE BROTHER ANSELM, ARCHBISHOP OF ACHERUNTO AND MATERANO. Venerable Brother, greetings and the apostolic blessing.

We were greatly pleased by the letter you sent us, Venerable Brother, together with your clergy from both your dioceses, in which, after the customary Spiritual Exercises, you testified to your piety towards Us and your faith in the Apostolic See; but especially pleasing were the resolutions which you declared you had undertaken, so that you might experience the fruits of holy discussions. And you rightly believe that you cannot better serve your own salvation, nor that of others, than if you adopt a way of life such as We have proposed in Our Exhortation to the Clergy, and diligently instruct the people in the Christian faith. For, too often, the dogmas of the divine religion are either scorned or the precepts are neglected, simply because they are generally unknown. Furthermore, although We were certain that you, as is fitting, are obedient to the teaching of the Church and to the authority of the Roman Pontiff, and are far removed from all Modernist error and madness, it is pleasing to Us that you have confirmed this with a solemn pledge. We thank you for your contribution to the poverty of the Apostolic See; and we pray that God may abundantly reward this merit of yours towards Us. Therefore, with the hope of divine favors.

[*Latin ed. p. 22*]

Acts of the Apostolic See. - Official Commentary. We impart to you all, Venerable Brother and beloved sons, our most heartfelt apostolic blessing. Given in Rome, at St. Peter's, on the 7th day of the month of January, in the eighth year of Our Pontificate.

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PIUS PP. X.

SACRED CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES)

I. CONCERNING THE PAPAL ABSOLUTION OR BENEDICTION TO BE RECEIVED BY THE LAY BROTHERS AND SISTERS.

DECREE.

On December 15, 1910.

His Holiness, Pope Pius X, by divine Providence, having granted an audience to the Most Reverend Prelate, Assistant of the Holy Office, and graciously accepting the prayers repeatedly offered by certain Moderators of Lay Brotherhoods, in order that Lay Brothers and Sisters of both sexes, of whatever Order, including those who live in common, may more easily receive, on designated days, a general Absolution or Papal Benediction, He has mercifully decreed that, whenever they shall have assembled together for this purpose, and the Priest to whom it is to be imparted is, for any reason, absent, the same Absolution or Benediction may be received from any Priest, whether secular or regular, who has been approved to hear sacramental confessions.

This decree is valid forever. Notwithstanding anything to the contrary.

Aloisius Giambene,

L & S.

Substitute for Indulgences.

II. CONCERNING THE USE OF METAL COINS INSTEAD OF SUFFICIENT CLOTH FOR THE HOLY SCAPULARS.

DECREE.

Since it has been demonstrated that the sacred scapulars, which are called by that name, greatly contribute to fostering the devotion of the faithful and to inspiring a more holy life, and as the custom of giving them this name increases daily,

[*Latin ed. p. 23*]

The Holy Congregation of the Holy Office. On the 23rd of the month, His Holiness, Pope Pius, by divine providence, the tenth, desiring with all his heart that the faithful continue to follow the custom they have always observed, but yielding to the many requests presented to him, and with the suffrage of the Most Reverend Fathers Cardinals, Inquisitors General, in an audience granted to the Most Reverend Father, Advisor of this Supreme Sacred Congregation of the Holy Office, on the 16th of December of the current year, deigned to decree as follows: To all the faithful, whether individually or in groups, it is permitted to wear, after the regular, as they

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say, imposition, already affixed or to be affixed, scapulars of true name and approved by the Holy See (except those which are proper to the Third Orders), made of cloth, with a single coin of metal, either around the neck or in another decent manner upon the person, so that, observing the proper laws of each, they may participate in and enjoy all spiritual benefits (including the Sabbatine grace, which is the privilege of the Blessed Virgin Mary of Mount Carmel, not excluded), and all the indulgences attached to each, and may be able to obtain them; This coin must bear, on its obverse, the image of the Most Sacred Heart of Our Lord Jesus Christ, and on its reverse, the image of the Blessed Virgin Mary; It is necessary that these scapulars be blessed with as many distinct blessings as there are scapulars regularly imposed, which, if desired by those requesting them, will suffice; Finally, each of these blessings can be imparted with a single sign of the cross, either at the very moment of the imposition, immediately after the regular imposition of the scapular, or even later, according to the convenience of those requesting it; it is not important whether the order of different impositions is observed or not, nor how long after the imposition, by any priest, even one distinct from the one who imposed it, who possesses the respective faculty for blessing, whether ordinary or delegated, within the firm limits, clauses, and conditions of the original faculty. All contrary things, even those worthy of special mention, are hereby set aside. Given at Rome, from the Offices of the Holy Office, on the 16th of December, 1910. ALOISIUS GIAMBENB, Substitute for the L.) $j S. Indulgences.

[*Latin ed. p. 24*]

Acts of the Apostolic See. - Official Commentary. III. REGARDING THE DECREE OF THE HOLY CONGREGATION FOR THE CULT OF THE SACRED SCAPULARS CONCERNING THE USE OF METAL COINS TO SUPPLY THE NEED FOR SCAPULARS: Concerning the coins up to this point, as mentioned above, which have been blessed, and concerning the faculty to bless them, which has already been granted by the Most Holy Father, either directly, or through some Office of the Holy See, or in some other way, the Same Most Holy Father has made His mind known, and has commanded that the following be observed most strictly:

1. Coins which have been properly blessed by those who possess the faculty, may, even in the future, be worn in place of scapulars, in that manner and under those conditions under which the faculty was granted.

2. All priests, secular or regular, even those distinguished by their dignity, shall no longer use the faculty to bless coins in this manner, after a period of five years from the time that faculty was obtained. In the meantime, even if they are not able to bless scapulars themselves, they may bless coins anywhere; however, they must do so in accordance with the law, so that, whether it concerns the images pertaining to their statutes, or other conditions, they fully conform to the prescriptions contained in the

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aforementioned Decree.

3. Furthermore, those who had been entrusted with the faculty shall know that, with the promulgation of this Decree and these Declarations, they have lost that faculty; for, indeed, provision has already been made in the same Decree for the spiritual benefit of the faithful.

Given in Rome, from the Offices of the Holy Office, on the 16th of December, 1910.

ALOISIUS GIAMBENE, Substitute for the Most Reverend Lord Prefect of Indulgences.

[*Latin ed. p. 25*]

25. SACRED CONGREGATION OF THE CONSISTORY. I. DECLARATIONS REGARDING THE OATH TO BE TAKEN, AS PRESCRIBED BY THE MOTU PROPRIO "SACRORUM ANTISTITUM." The following questions were presented to this Sacred Congregation of the Consistory: I. Whether religious students who are to be admitted to the higher orders are obliged to take the oath prescribed by the Motu Proprio Sacrorum Antistitum before the Bishop who confers the orders, or before the religious superior; II. Before whom must the aforementioned oath be taken by those religious who are assigned to hear confessions and to preach sermons; III. In which archives should the documents of the oaths taken by the aforementioned religious be kept? Our Most Holy Lord Pope Pius X, in an audience granted on December 16, 1910, to the Cardinal Secretary of this Sacred Congregation, ordered that the following answers be given: To I, affirmatively to the first part, and negatively to the second part; to II, before him from whom they obtain permission to hear confessions and to preach sermons; to III, in the archives of that Ordinary who received the oath. Given in Rome, from the offices of the Sacred Congregation of the Consistory, on December 17, in the year 1910. C. CARD. DE LAI, Secretary. L. Eg S. S. Tecchi, Assessor. II. NOMINATIONS OF BISHOPS. Our Most Holy Lord, Pope Pius X, by decree of this Sacred Congregation of the Consistory, has chosen: December 14, 1910. — The Reverend Father Balthasar Kaltner, as titular Bishop of Agathopolis and Auxiliary to the Most Reverend Archbishop of Salzburg, for the Cathedral Church of Gurk. — The Reverend Father Pius, of the Holy Joseph, formerly Marcellus Bagnoli, General Definitor of the Order of Discalced Carmelites, as Consultor.

[*Latin ed. p. 26*]

56 Acta Apostolicae Sedis. - Official Commentary. Regarding matters of the esteemed Congregations of the Council and of Religious, concerning the bishop of the cathedral church of Marsorum. December 19, 1910. — The Reverend John Rosi, of the diocese of Cremensis, a doctor in philosophy and canon law, rector and professor in the seminary of Cremensis, was

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appointed Bishop of the cathedral church of Montis Falisci. Furthermore, the Most Holy Lord commanded that Letters Apostolic be expedited under seal for the proper course of law regarding this matter. III. ERECTION OF DIOCESES. The Most Holy Lord Pope Pius [X, by decree of the Consistorial Congregation of this Holy Congregation, chose: December 10, 1910. — To erect the new diocese of Montesclarense in Brazil, dividing the diocese of Adamantina into two parts, and assigning to the new diocese that part of the old (diocese) of Adamantina which lies to the north, bordering the rivers Jequiiinbonha, Macahubas, Jèquetahy, S. francisco, and Urucuya. Furthermore, the Most Holy Lord commanded that Letters Apostolic be expedited under seal for the proper course of law regarding this matter. IV. SACRED CONGREGATION OF THE HOLY SACRAMENTS. PRESUMPTION OF THE DEATH OF A HUSBAND. The Reverend Vicarius Capitularis of Mohilovien, on March 6, in the year 1909, presented the following petition to this Sacred Congregation: "James Ondzul, during the Russo-Japanese War, participated in the fighting near the city of Mukden, on February 22, 1905, and, as evidenced by the attached testimony of the military authorities, he perished in that battle. Now, his wife, Martha Ondzul, believing her husband to have been killed in battle, wishes to enter into a new marriage. However, since the death of James Ondzul, although highly probable, remains uncertain, according to the Instruction of the Holy Office, dated May 13, 1868, this matter must be submitted to the decision of the Holy Apostolic See. Because many similar cases exist, especially during that war, particularly in the battles near Mukden and Lao-Yan, troops..."

[*Latin ed. p. 27*]

S: Concerning the Sacrament of Matrimony. The Russian army, having been routed by Japanese forces, retreated, suffering heavy losses. Many soldiers were killed, and subsequently, due to the fact that many soldiers had perished in battle, no information could be obtained regarding them. Therefore, the undersigned Vicar Capitular of Mohilov, humbly prostrates himself before Your Holiness and earnestly requests that Your Holiness deign to declare: "1. Whether the aforementioned Marthe Ondzul is permitted to enter into a new marriage; and "2. What should be done in similar cases."

To these requests is appended a document attesting to military service, as follows: "The Ministry responsible for military affairs - The Main Headquarters - Special Section for collecting information about soldiers killed and wounded in the war with Japan. - The Special Section of the Main Headquarters, in accordance with the report of Prefect James, son of James, of the 100th Ostrov Regiment, states that Marthe Ondzul, registered as a soldier in the auxiliary troops, called to arms, perished without any news on February 22, 1905, in battle near the city of Mukden, and that, in the same year, she was removed from the list of soldiers of the regiment No. 57.

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Section Prefect, General Smorodsky. - Prefect of the Regiment, Kalugin."

Regarding this matter, since we are dealing with the verification of the death of a spouse, in order that permission for a new marriage may be granted, it is clear that the sacred canons prescribe that great caution must be exercised. It is required that there be certain knowledge of the death of the spouse, as stated in chapter 5, Concerning Second Marriages, or that certain news of the death be received, chapter 19, Concerning Betrothals and Marriages; therefore, an authentic document regarding the death must be sought. If this cannot be obtained, testimony from witnesses must be used; and if these are lacking: "Proof of death from conjectures, presumptions, indications, and any circumstances whatsoever must be investigated with the utmost diligence and extreme caution, so that, by collecting many such things from here and there, and by considering their nature, as they are certainly more or less important, or have a closer or more remote connection with the truth of the death, the judgment of a prudent man may be promoted to affirm that death with the greatest possible probability or moral certainty," as stated in the Instruction of the Sacred Congregation, given in the year 1868, which begins: "Concerning the Bond of Marriage."

Nor can the provisions of civil law take the place of the required moral certainty; for these provisions are established according to the customs and laws of each people and age. Indeed, the aforementioned Sacred Congregation, in addressing a doubt, asks: "Whether the provisions of civil law concerning absent spouses can take the place of moral certainty regarding their death, and consequently, whether abandoned spouses, after fulfilling and completing these provisions..."

[*Latin ed. p. 28*]

Acts of the Apostolic See. - Official Commentary. Regarding the cases where, on the one hand, a man is presumed dead, and on the other, he might legitimately contract marriage, on June 28, 1865, the Apostolic Vicar of Pondicherry responded: "According to what has been presented, negatively, and the particular cases are to be examined by the Apostolic Vicar himself, according to the instructions which are communicated to him." And the Holy Congregation of the Holy Office, in the case of Messanen, or Rheginen, concerning the presumption of death, on March 12, 1909, with regard to the inhabitants of Sicily and Calabria who disappeared during the earthquake of December 28, 1908, and concerning whose death civil authority had provided testimony, in response to the question: "What and how is provision to be made?", in a plenary session, it responded: "The particular cases are to be examined by the Ordinary, according to the instructions 'On the Bond of Matrimony,' issued by the Holy Office in the year 1868." However, arguments can also be drawn from the acts prepared by the civil tribunal, after an examination thereof, as the Holy Office responded on February 6, 1861: "Arguments can also be drawn from the acts prepared by

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the civil tribunal, and after an examination of them, if nothing contrary is found, a judgment must be rendered by the ecclesiastical authority, declaring that it sufficiently appears that the death of the person whose existence is inquired about has occurred." And in the present case of the soldier James Ondzul, although the acts were not drawn up by the civil tribunal, nevertheless, considering the circumstances, the document concerning the death of James possesses a special force, which was issued by a special section for collecting information about deceased and wounded soldiers in the war with Japan. Regarding cases somewhat similar, concerning soldiers who were presumed to have fallen in battle, the response of the Holy Office, given on April 27, 1887, can be cited, concerning Joseph N., who in the year 1870 went to war, and who, in the battle near the city of Saint-Quentin, on January 19, 1871, disappeared, as it was established from letters from the Minister who presided over the military, and from that time no news of him was heard, so that the civil tribunal pronounced a sentence concerning his death. It should be added that Joseph had made an agreement with seven of his companions, that after the battle they would meet in the same place, and that he alone was absent from that meeting. And the Supreme Holy Congregation responded: "Provided that from authentic documents and from trustworthy witnesses, at least in summary and extrajudicially, it is established not only concerning those things which are expressed by the Bishop, but also that Joseph N. sincerely pursued his wife and children, and that there was no reason for him to abandon them, it is permissible for the woman to enter into marriage with Lewis N." And concerning the wives of soldiers who perished in the battle of Adwa in the year 1895, and concerning whom no news was received, notwithstanding the investigation.

[*Latin ed. p. 29*]

The Holy Congregation of Religious. After certain actions undertaken by the Government, the aforementioned Holy Congregation responded on July 20, 1898, stating: "Provided that we are dealing with men who certainly participated in the battle of Adwa, and after appropriate investigations, it cannot be definitively determined whether the man in question actually died, and considering the special circumstances present in the case in question, and with a valid presumption of death, the Ordinary may permit the marriage." Therefore, concerning the petitions of the Vicar Capitular of Mohiloviensis, which we mentioned above, presented at the plenary sessions of the Holy Congregation on December 16, 1910, the following questions were proposed: I. Whether Martha Ondzul may be permitted to enter into a new marriage in this case. II. How to proceed in other similar cases. After mature deliberation, the Fathers decreed the following answers: To I: Affirmative. To II: The response given by the Holy Office on July 20, 1898, regarding men who participated in the battle of

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Adwa, should be applied.

D. CARD. FERRATA, Prefect.

L. © S. Ph. Giustini, Secretary.

SACRED CONGREGATION FOR RELIGIOUS.

I. DECREE REGARDING LAY MEMBERS OF RELIGIOUS ORDERS.

The Holy Church of God has desired that Religious Orders be adorned with the solemnity of vows, so that the status of those who follow within them may be esteemed and have a more stable effect in Christian society. To those who are not endowed with any participation in the priesthood of Christ, called Converts or Laity, it also admits to making these vows solemnly.

Since, through the solemnity of vows, a man is bound to divine service before the Church and all the faithful by an absolutely irrevocable, very close, and public bond, it is entirely fitting that those who, by this means, have promised to follow the footsteps of Christ more closely and perpetually, should faithfully persevere in their promise. This is especially to be said of the Laity or Converts, whom the faithful would observe only with great admiration and scandal, if, after a solemn profession of secular vows, they were to return to their former life, without any distinction from the signs of their previous life.

[*Latin ed. p. 30*]

30 Acta Apostolicae Sedis. - Official Commentary. But the spirit of the times, which unjustly claims all kinds of freedom for men, has furtively transgressed even the sacred boundaries of monasteries; and it has also brought about the result that, with a desire for a humbler life, hidden in Christ, as is common among converts in monasteries, the perseverance in their intentions is diminished, especially among the laity, whom perhaps necessity, rather than will, made religious, or whom Superiors have dismissed without due precautions, or whom it happened to abuse the benefits received from God. These individuals, diminishing the words of Saint Augustine: "Therefore, do not regret that you have vowed; rather, rejoice that you are no longer permitted to do what would have been harmful to you. Approach therefore fearlessly, and fulfill your words in deeds; He Himself will help you who has asked for your vows. Necessity is a blessing that compels us to better things" (S. Aug., Ep. 127, 8), sometimes, with great mercy, the Mother Church has permitted to leave. Therefore, in order that the dignity of the vows, which even the laity solemnly promise, may persevere in Lodi, where they rightly enjoy the favor of the Church, and in order to promote the sacred purpose of the vocation with the utmost care,

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in our most difficult age, this Holy Congregation, entrusted with the affairs of Religious communities, has carefully considered the matter in the Lord, diligently discussed the causes, and proposed means and remedies; and it has sought the opinion of the General Superiors of the most important Orders, as well as of many of its Consultors. All of these things, most Reverend Fathers Cardinals of the same Congregation, in a Plenary Session, held on July 29, 1910, at the Vatican, diligently considered, and certain things were decided upon, which will suitably regulate the admission, novitiate, institution, and taking of vows of the laity in the future. Therefore, the following must be strictly observed by all Religious families, among whom solemn vows are also pronounced by the laity: 1. The General Superiors are granted the faculty to allow, as often as they deem fit, the Provincial Superiors to admit even those young men destined for lay duties who have barely completed their seventeenth year, provided that the necessary precautions are observed. 2. No one shall be admitted to the Novitiate who has not fulfilled the prescribed period of at least two years, or more, if the Constitutions of the Order prescribe a longer period, under penalty of an invalid profession afterwards. 3. The Novitiate shall not begin before the age of twenty-one, according to the current law; and it shall last for one or even two years, according to the Constitutions of the respective Order. 4. After the Novitiate, and after the necessary conditions have been fulfilled, the laity shall be admitted.

[*Latin ed. p. 31*]

Congregation of Religious. 31 [persons] may be admitted to a simple profession, which, on the part of the one making the vow, is perpetual, but on the part of the Order, is for a period of six years. 5. After the expiration of the six years of simple vows, and upon reaching the age of thirty years, and not before, under pain of invalidity, and with the same vows remaining to be observed, the laity may pronounce their solemn vows. 6. These regulations, which apply to the profession of both simple and solemn vows, shall also be observed with regard to laypersons currently living in the monasteries, who have not yet pronounced their solemn vows. This period of nine years is intended to provide both superiors and those entering the religious life with the opportunity to explore their vocation and the religious institute to which they aspire, so that a person may more maturely form a judgment, strengthened by virtue, regarding the solemn commitment to be made later. However, these regulations offer only some hope of perseverance, unless they are accompanied by other precautions and efforts, which the Apostolic See has prescribed or recommended over the centuries, and which religious families have experienced to be of commendable custom and happy outcome. And, above all, with regard to the reception of converts, many precautions and inquiries must be taken. The Provincial must investigate the legitimacy of their birth, the honesty of

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their morals, their good reputation among the people, their suitability, and, above all, the true motive by which they are moved to embrace the religious state. For there are many who enter religion, not because they have abandoned worldly advantages, but because they seek them; who seek in the monastery what they could not have outside (Rule, St. Augustine, chapter 1, 3), and who desire to lead an easy life, free from cares, and to enjoy the honor of the name, undeservedly. These are those to whom it is fitting, with St. Augustine, to exclaim: "How sweet it was to me suddenly to cease from pleasures, and what I had feared to lose, I now rejoice to relinquish!" (St. Augustine, Confessions, Book 9, chapter 1). These individuals will have the outward appearance of religious, but not the virtue, and it would have been better for them to have walked in the world, rather than aspiring to higher things, and perhaps calling their eternal salvation into danger. Those who have undergone investigations, even secretly, and have presented the necessary documents, shall only be admitted to the postulancy, with the prior permission of the superiors, according to the custom of their predecessors. It has been sufficiently demonstrated that, as Clement VIII states in the Instruction "Cum ad regularem" (n. 22), concerning the reception and education of novices, the perfect education of converts brings both honor and adornment to religion, and also edification, example, and benefit to other Christians.

[*Latin ed. p. 32*]

32 Acta Apostolicae Sedis. - Official Commentary. Therefore, it is necessary that, from the very beginning, a religious spirit permeate the minds of the candidates and the entire Order. He who neglects discipline at the outset of this new way of life finds it difficult to apply it later, and scarcely abandons the form which he first adopts (St. Bonaventure, in Spec. Disc., prologue, no. 1). To achieve this, a Father should be designated for the candidates, one whose age has proven him, and whose life is such that St. Bernard says: "Let charity inflame your zeal, let knowledge inform it, and let constancy strengthen it" (St. Bernard, Serm. 20, no. 4, to the Canons), and of whom St. Gregory the Great wrote (Reg. Past., p. 2, c. 6): "Indeed, it must be ensured that the director exhibits both piety and discipline to those under him, like a mother and a father." And among these things, careful consideration must be given, lest either excessive strictness or laxity prevail... Therefore, unity must be combined with severity; a certain temperament must be created from both, so that neither are the subjects alienated by excessive harshness, nor are they relaxed by excessive leniency. Often, the beginning must be made with civil education, since those who seek to be admitted among the laity are often of humble circumstances. Incivility in the manner of acting, in the answers given, in the gait, and even in the very act of taking refreshment, must be gradually, but completely, eradicated. Filthy habits, which are not carefully chosen by a love

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of humility and contempt for the world, but are sullied by crude negligence, do not exude the spirit of Christ, and therefore do not always indicate that those who wear them are virtuous. The cleanliness of the body and its movements, always accompanied by modesty and simplicity, must be carefully attended to. Moreover, just as civil education establishes moderate rules for human intercourse, so too charity should also encourage the observance of these rules in monasteries, since whatever may disturb one's neighbor should be carefully avoided. But incivility, which arises from a concern for one's own comfort with disregard for others, cannot but cause annoyance to others and provide an opportunity for impatience. Externally, this manner of conduct paves the way for a more complete education, namely, by instilling noble sentiments by which the mind is drawn to avoid even the slightest offense to others, to anticipate desires, to easily demonstrate a pleasing disposition, and to put others before oneself. However, all of these things must be informed, governed, and ennobled by the charity of Christ, so that whatever is praiseworthy in our words, actions, or omissions, and pleasing to our neighbor, proceeds from a heart full of charity. All of these things, which are fitting for the laity, should be even more prominent in priests and those who are being prepared for the priesthood, so that the laity, seeing these examples, may be drawn not only to follow the path of virtue, but also of modest civility. By admonitions, encouragement, patience, and especially by example, the rays of...

[*Latin ed. p. 33*]

The Holy Congregation of Religious also states that it will not be difficult to transform the manners and customs of those entering, so that, not long after their entrance into the Religious life, one may repeat of them what Saint Bernard said: "They have put on the appearance of discipline, and the whole body is composed well... their speech is less frequent, their countenance more cheerful, their gaze more modest, their gait more mature." However, because these qualities are newly begun, they should be considered as blossoms, and as a hope of fruit, rather than the fruit itself (Serm. 63, in Cant. n. 6). These fruits are indeed produced by a spiritual institution, to which the Prefect is assigned with the Postulants, and a Master with the Novices. The progress of the laity on the path of sanctity is made by their own work and their own profit, a work and a profit, indeed, noble and immense. In accordance with the decrees of the Apostolic See, they should explain to them the entire Christian doctrine, especially concerning the sacraments of confession and Holy Communion, to be received properly and fruitfully, keeping in mind the Catechism of the Council of Trent for the Parish Priests. At the same time, they should teach them what obligations are incurred by the profession of vows, and what virtues are required to fulfill those vows. They should also explain the parts of the Rules and Constitutions that pertain to the laity. There should be regular gatherings

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or sermons for the laity, not only for the new members, but for all, including those who are older, who have already made their profession and are advanced in age; in these gatherings or sermons, the subject should be not only the catechism, but also exhortations on spiritual life, an explanation of the Rules and Constitutions, as well as practical norms and examples of modest and well-mannered behavior. Furthermore, Superiors should strive to strengthen the laity with those virtues and supports that are particularly required of the lay state, namely humility, obedience, a spirit of prayer, and the sanctification of labor. And above all, the laity should strive to attain both outward and inward humility. "Let no one seek another way than that which is built by Him, who, seeing the weakness of our steps, is God." For, as Saint Bernard says (De Cons. 1. 5, c. 14, n. 32): "Virtues... have humility as their stable foundation; if it wavers, the aggregation of virtues is nothing but ruin." And Saint Thomas explains it thus: "Humility holds the first place, inasmuch as it expels pride, against which God resists, and makes man submissive and always open to receiving the influx of divine grace; inasmuch as it empties the inflation of pride; as it is said in Jas. IV, that God resists the proud."

[*Latin ed. p. 34*]

34. Acta Apostolicae Sedis. - Official Commentary. It resists the proud, but gives grace to the humble; and according to this, humility is said to be the foundation of the spiritual building (II-II, q. 161, art. 5, ad 2). Moreover, since frequent practice in works of humility leads to true humility, as Holy Scripture says that no one will ever attain to the virtue of humility who refuses the works of humility (St. Alphonsus M. de Ponte, Animae, c. 2), the laity should especially rejoice in the duties they perform, because they have an inexhaustible opportunity for practicing and increasing humility. Obedience also excels in the laity. They should know that there is no danger of sin in it; with it, there is certain victory, an impregnable safeguard, many merits, and supreme peace. However, it must be armed with supernatural motives. According to the teachings of the Saints, our superiors are the vicars of God over us. And therefore, we must obey them as we obey the Lord, and not as we obey men, because we submit to them not for their own sake, but for the sake of God. And St. Gregory the Great teaches: "For true obedience does not question the intentions of superiors, nor does it examine precepts. He who follows the good of obedience should not consider the work commanded, but the fruit thereof" (In 1. Reg. 1. 2, c. 4, n. 11). Therefore, St. Bernard justly condemns the obedience of those who are not ready to obey in all things, who have not proposed to follow him who comes to do the will of the Father, and not his own will. They discern and judge, choosing to whom they will obey (In conv. S. Pauli, Serm. I, n. 6); and those, according to the same St. Bernard, will never obey willingly, unless they happen to hear what they desire, or what reason or certain authority

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shows to be permissible or expedient (De praec. et dispensat. c. 10, n. 23). The virtue of obedience is greatly aided by the words and example of Christ Jesus, who never ceased to affirm: "I have come down from heaven, not to do my own will. I seek not my own will, but the will of him who sent me. As the Father has commanded me, so I do. I do always the things that please him. My food is to do the will of him who sent me, that I may accomplish his work. Father, not what I will, but what you will" (John 6:38; 5:30; 14:31; 8:29; 4:34; Matthew 26:39); and who was made obedient even to death, even to the death of the cross (Philippians 2:8). Furthermore, the spirit of prayer must be greatly cultivated. Diligence in prayer is primarily necessary for you: for prayer is an impenetrable armor, a sure refuge, a safe port, and the safest asylum. This alone drives away all evils from the soul, and brings in all good things. It purifies the soul, removes the debt of punishment for sins, compensates for past negligences, obtains divine grace, and subdues wicked concupiscences.

[*Latin ed. p. 35*]

The Holy Congregation of Religious. It extinguishes vices, subdues unruly passions, lays low enemies, overcomes temptations, mitigates calamities, banishes sorrow, infuses joy, fosters peace, unites man with God, and elevates the united soul to eternal glory. Through prayer, you will obtain whatever is useful to you (Lud. Blosius, *Canon vitae spirit.*, c. 17, n. 1). Pope Clement VIII also prescribed this for the religious instruction of converts: For their capacity and convenience, they will be diligently instructed, especially concerning the manner of mental prayer (Instructio *super rec. et educ. Novit.*, n. 22). Therefore, care must be taken that the laity understand the virtue and practice of prayer; that they faithfully dedicate themselves to prayer, both mental and vocal, during the appointed hours; that the time allotted for this purpose in the Constitutions of the Order is entirely devoted to prayer; and that it is not sufficient for them to devote themselves to meditation while serving at Mass. Superiors, especially after the laity have completed their novitiate, should inquire whether they are devoted to meditation and prayer. Furthermore, the laity should continually make use of short prayers, which are called ejaculatory prayers, throughout the day. For it is a concise path to attaining union with God, to increasing merit, to maintaining a right intention, to repelling and overcoming temptations, and to advancing in all holiness. They should also sanctify the manual work that is the laity's principal duty in the monastery, doing so not with an eye to outward appearance, nor seeking the reward of praise, but solely concerned with the will of God and the wishes of their Superiors. How shameful and regrettable it is if someone labors only so that the cup and purse may be filled, and does not labor so that God may be acquired (St. Augustine, *De bon. vid.*, c. 21). How great is the reward with God, if they do not expect a reward in this life! With how

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much toil is the inheritance of salvation obtained! With less effort, the pearl of Christ could have been purchased (St. Jerome, *ad Nep.*, *de vita cler. et monac.*, 6). Finally, let them keep before their eyes the admonitions of St. Bonaventure: "Continuously keep your mind so ordered with God, that every work and exercise of both mind and body may be prayer, and that all services, especially the humbler ones, should be performed with such fervor of charity, as if you were offering them to Christ in person." This is something you certainly must and can truly believe, for He Himself said in the Gospel: "What you did for one of the least of my brothers, you did for Me." Know, most beloved brother, that unless you perfectly deny yourself, you cannot follow in the footsteps of the Savior, and without continuous diligence and labor, you will not attain His grace, and unless you constantly knock at His door, you will not enter into the peace of mind, and unless you constantly hold yourself in awe of God, your house will quickly collapse into ruin (Memorial, n. 19 et 25, conclusion). To attain all of these things, the laity should be frequent in attendance at the Holy Sacrifice of the Mass.

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis. - Official Commentary. They should observe frequent, indeed even daily, reception of the Most Holy Eucharist, according to the norms of the recent instructions of the Apostolic See. Furthermore, they should cultivate a most special devotion towards the Blessed Virgin Mary, striving always to invoke, honor, and imitate her as their most loving Mother. Moreover, Superiors should ensure that Priests and Laity apply to each other the highest degree of respect, charity, and mutual support. The Laity should revere the Priests, from whom they receive the greatest ministries and mysteries. The Priests should honor the Laity and strive... to boast of the society of poor brothers (Reg. S. Aug., c. I, 5). Priests should remember that many in the Religious Orders have been raised from humble occupations, with which they had labored throughout their lives, to the altar, and have been numbered among the blessed in Heaven after death. Therefore, that manner of life should be cultivated with pious observance among the Laity, which has opened the way to such frequent and wondrous sanctity. Let the Laity not be arrogant because of the duties they perform in the Convent, nor let them despise the Priests, nor let them demand duties of any kind for themselves, unless necessity compels them, and let this always be done under all manner of dependence and obedience to a superior of greater age and counsel, to whom they should faithfully render an account of their actions. These things suffice for the most part. Furthermore, this Sacred Congregation is most confident that the Superiors General of all Religious Orders will strive to encourage their Laity to pursue a similar way of life, as far as their abilities allow. Let them watch over them with tolerance, so that discipline does not slumber. For nothing is so firmly established in the mind that it does not become obsolete

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through neglect and time (St. Bernard, de Cons., 1. 1, c. 2). In this respect, commendable religions differ from those that have already collapsed, not because no one sinful is found in the commendable ones, but because no one is allowed to sin with impunity, and the avenues of sin are diligently closed, and those who are incorrigible and infect others are eliminated, and the good are fostered and cherished, so that they may persevere and always progress for the better (St. Bonaventure, De sex alis Seraph., c. % n. 13). Having related all these things to the Most Holy Lord, our Pope Pius X, His Holiness was pleased to approve and confirm them, notwithstanding any contrary things, and with special mention. Given in Rome, from the Secretariat of the Sacred Congregation for Religious, on the 1st of January, 1911. Fr. I. C. CARD. VIVES, Prefect. I, & S. f Donatus, Archbishop, Ephesinus, Secretary.

[*Latin ed. p. 37*]

Sacred Congregation for Religious. 37. DECREE CONCERNING RELIGIOUS MEN SUBJECT TO MILITARY SERVICE. Among the various difficulties that afflict the Church of Christ in these times, there is also to be considered the law by which even young men who serve God in religious families are compelled to enter military service. Surely, no one fails to see the great harm that can result from this unfortunate law, both to the young men themselves and to the religious communities. For while religious novices are absent on military duty, they can easily be stained by vices; infected with these, or, neglecting the vows they have made, they will return to the world, or, which is far worse, they will return to the religious house, with the danger of corrupting others. To prevent these evils, the Sacred Congregation, which presides over the affairs of religious congregations, in a Plenary Assembly of the Most Reverend Cardinals, held on August 26, 1910, in Vatican, decreed the following:

I. In Regular Orders, in which solemn vows are taken, young men who are not certainly known to be exempt from active military service, that is, from that service to which they were originally called to serve for one or more years, may not be admitted to Holy Orders or to solemn profession, until they have completed their military service and, having fulfilled this obligation, they remain for at least one year, according to what is stated below, in simple vows, with the exception of laymen, according to the decree issued by the Most Holy Church of God on this same day.

II. In Institutes of simple vows, young men concerning whom the foregoing article applies, may be admitted to temporary vows only until the time of military service; nor may they, while engaged in military service, renew their profession. When they are discharged from military service, they shall renew their profession again, for at least one year, before binding themselves with the bond of perpetual profession.

III. Let those young men who are serving in the military be careful not to

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lose the gift of their holy vocation, and let them always conduct themselves with the modesty and circumspection that befits religious men. Therefore, let them avoid suspicious places and convents, let them abstain from theaters, dances, and other public spectacles; let them avoid worldly company, licentious conversations, and things contrary to religion, as well as men who profess suspect doctrines, and let them avoid readings that are contrary to the dictates of morals or faith from the Holy See, and all other dangers of sin; let them not neglect to frequent churches and sacraments, as far as it is permitted to them; let them—

[*Latin ed. p. 38*]

38. Acta Apostolicae Sedis. - Official Commentary. IV. Wherever their station is located, if there is a house of their Religious Order or Institute there, they must frequent it and be under the immediate supervision of their Superior. - If the aforementioned house is not present, or if they cannot conveniently attend it, they must visit a priest designated by the Bishop, and follow his counsel and customs, so that when it becomes necessary to leave that station, they may obtain written testimony from him regarding their observance of all that which is prescribed in the preceding article. - If no priest is designated by the Bishop, they must choose a prudent priest themselves, and immediately inform their Superiors, who will obtain information from the Ordinary regarding the morals, doctrine, and prudence of that priest. Furthermore, they must establish a correspondence and, as far as possible, diligently maintain it with their respective Superior or another religious or member of their Institute designated for this purpose, informing them of the details of their life and condition, and especially notifying them of the name and address of the priest whose guidance and direction they follow, as prescribed above. V. General or Provincial Superiors, or local Superiors, according to the custom of each Institute, are absolutely obliged to inquire, either personally or through a delegate (who, in clerical Institutes, must be invested with holy orders), about the life, morals, and conduct of the members during their military service, especially regarding the work of the priest or priests mentioned above, through secret letters if necessary, in order to ascertain whether they have remained faithful to the path of faith and morals, whether they have observed the precautions mentioned above, and whether they have remained faithful to their divine vocation, with the weight of their conscience. VI. When they have been definitively discharged from active military service, they must return directly to their respective religious houses, and there, if it is certain that they have led a good life, as stated in the preceding article, after a few days of holy recollection, those who are attached to Institutes of simple vows shall be admitted to renew their temporary vows; in the Regular Orders, however, they shall be placed among the junior clerics or professed members, or at least in the house where perfect regular observance is maintained, under

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the special supervision and direction of a religious, pious and prudent, who must be a priest in clerical Institutes. In this state, they must complete a full period of time (which cannot be less than one year, according to what is stated in articles I and II), in preparation for the solemn or perpetual vows, in accordance with the prescriptions of the Apostolic documents and the Constitutions of their Religious Family, provided that...

[*Latin ed. p. 39*]

I. The Holy Congregation of Religious Orders. 39. The time spent by those making simple or temporary vows, from the first taking of the vows until their departure from the religious house for the purpose of military service, shall be counted. This does not apply to the time granted for military service itself. VII. During this time, they shall dedicate themselves to studies and regular observance. Furthermore, the immediate Superiors and those in charge of the direction of the younger members shall carefully consider them, scrutinizing their conduct, the fervor of their lives, their opinions, their doctrines, and their zeal for perseverance, so that they may be able to give an account of them to the Major Superiors before the final profession, under oath. VIII. If anyone, whether during or after military service, before being admitted to solemn or perpetual profession, should show signs of wavering in their perseverance, or if they have not observed the prescribed precautions during military service, or if they have deviated from the purity of morals or faith, they shall be dismissed by the General Superior, with the consent of his Councilors or Definitors, and their vows shall be considered dissolved by this very act of dismissal. - If, on the other hand, these young men desire to be released from the bond of their vows, or if they spontaneously request it, the aforementioned Superiors, acting as delegates of the Apostolic See, shall have the power to dissolve the vows, if the matter concerns clerical institutes; but if it concerns institutes of lay people, the vows shall be considered dissolved by letters from the Superiors, in which permission is granted to them to return to the world. IX. These prescriptions shall also apply to ecclesiastical societies, which, although they do not use vows, either solemn or simple, nevertheless have simple promises by which their members are bound to these societies. X. If anything new arises in this Decree that was not foreseen, or if any doubt arises in its interpretation, recourse shall be made to this Holy Congregation in each individual case. All of these things were deemed worthy and confirmed by our Most Holy Lord Pope Pius X, with the report of the Under-Secretary, on the 27th of the same month of August, 1910. Contrary to whatever may be. Given in Rome, from the Secretariat of the Sacred Congregation of Religious Orders, on the 1st of January, 1911. Fr. J. C. CARD.

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VIVES, Prefect. L. © S. f Donatus, Archbishop, Ephesinus, Secretary.

[*Latin ed. p. 40*]

40 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. APPOINTMENTS OF BISHOPS. By Apostolic Brief, the following were appointed: May 10, 1910. — Reverend Father Fulgentius Torres, O.S.B., titular Bishop of Doryla and Apostolic Administrator of the Vicariate of Kimberley in Australia. November 10, 1910. — Reverend Father Henry Gregory Thompson, O.S.B., Bishop of the new Diocese of Giblatar. December 21, 1910. — Reverend Father Edward John Kenealy, of the Order of the Friars Minor Capuchin, Archbishop of Simla in the Orient. December 21, 1910. — Reverend Father Joseph Patrick Clune, of the Congregation of the Most Holy Redeemer, Bishop of Perth in Australia. December 22. — Reverend Father Mauritius Francis Ducoeur, from the Parisian Seminary for Foreign Missions, titular Bishop of Barbalissus, and Apostolic Prefect of Kuam-Si in China. II. APPOINTMENTS OF APOSTOLIC PREFECTS. By decree of the Sacred Congregation for the Propagation of the Faith, the following were appointed: January 3, 1911. — Reverend Father Henry Bardou, of the Congregation of Missionaries of Africa, Apostolic Prefect of Ohardaia (Sahara). January 3, 1911. — Reverend Father John Ogé, from the Lyons Seminary for Missions to Africa, Apostolic Prefect of Liberia in Africa.

[*Latin ed. p. 41*]

Sacred Congregation of the Index. 41. SACRED CONGREGATION OF THE INDEX. DECREE. Given on the second day of January, in the year 1911. The Sacred Congregation of the Holy Roman Church, of Cardinals, by the Most Holy Pope Pius X, and the Holy Apostolic See, concerning the condemnation, proscription, expurgation, and permission of books of corrupt doctrine, in the entire Christian republic, having met in the Apostolic Palace at the Vatican on the 2nd day of January, 1911, condemned and condemns, proscribes and proscribes, or orders that the following works be referred to the Index of Prohibited Books:

FRANZ WIELAND, *Mensa und Confessio. Der Altar der vorkonstantinischen Kirche.* Munich, 1906. Also, *Die Schrift Mensa und Confessio* and *P. Emil Dorsch S. I. in Innsbruck. Eine Antwort.* Ibid., 1908. Also, *Der verirenäische Opferbegriff.* Ibid., 1909.

JOSEPH TÜRMEL, *Histoire de la théologie positive du Concile de Trente au Concile du Vatican.* Paris. *LA VRAIE SCIENCE DES ECRITURES, ou les erreurs de la scholastique et l'enseignement officiel de l'Eglise sur le vrai sens de la Bible,* by X. Annonay and Montligeon, 1909.

LASPLASAS, *Origen, naturaleza y formación del hombre.* San Salvador, 1896. Also, *La Iglesia y los estados.* Ibid., 1897. Also, *Etologia ó filosofia de la educación.* Ibid., 1899. Also, *La sabiduría.* Santa Tecla,

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1901. Also, *El compuesto humano.* Ibid., 1901. Also, *Evolución de los errores antiguos en errores modernos,* Ibid., 1902. Also, *Generación y herencia.* San Salvador, 1902. Also, *Ensayo de una definición de la escolástica.* Barcelona, 1902. Also, *La moral es ley moral.* San Salvador, 1903. Also, *La psicología.* Ibid., 1904. Also, *La política.* Barcelona, 1905. Also, *Mi concepto del mundo. Libro primero : Del hombre.* Ibid., 1907; *Libro segundo: Dios,* Ibid., without date.

TEN HOMPEL, *Uditore Heiner und der Antimodernisteneid. Grenzfragen: Erstes Heft.* Münster, 1910.

PIERRE BATIFFOL, *L'Eucharistie, la présence réelle et la transsubstantiation.* Paris. Decree of July 26, 1907.

[*Latin ed. p. 42*]

Acts of the Apostolic See. - Official Commentary. HISTORICAL-CRITICAL REVIEW of theological sciences. Monthly publication. Rome. Decree of the Sacred Office, February 4, 1910. ALPHONSUS MANARESI, The Roman Empire and Christianity in the first centuries. Volume I: From Nero to Commodus. Rome, 1910. Decree of the Sacred Office, September 7, 1910. ERNESTO BUONAIUTI, Essays on Philology and History of the New Testament. Rome, 1910. Decree of the Sacred Office, September 7, 1910. FRANCISCUS MARI, The Fourth Gospel. Rome, 1910. Decree of the Sacred Office, September 7, 1910. Therefore, no one, of whatever rank or condition, may dare to publish, or after publication to read or retain, the aforementioned works, in any place and in any language, under the penalties indicated in the Index of Prohibited Books. ALPHONSUS MANARESI, ERNESTUS BUONAIUTI, and FRANCISCUS MARI, having submitted themselves commendably to the Decree of the Holy Congregation of the Holy Office, issued on September 7, 1910, by which certain books written by them were noted, these matters were reported to His Most Holy Lord Pope Pius X through me, the undersigned Secretary, and His Holiness approved the decree and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on January 3, 1911. PRO CARDINAL PREFECT * F. DE PAULA CARD. CASSETTA. L. j$| S. Thomas Esser, O.P., Secretary. HOLY CONGREGATION OF RITES, NOVAE CARTHAGINE. CONCERNING THE MASS OR COLLECT ON THE ANNIVERSARY OF THE ELECTION OR PROMOTION OF A BISHOP IN A DIOCESE RAISED TO THE ARCHIEPISCOPAL RANK. The Reverend Adamus Brioschi, the present Archbishop of Novae Carthagines in the United States, humbly submitted the following question to the Holy Congregation of Rites for a suitable solution: The Holy Congregation of Rites, by the Decree of the City and the World, on June 8 of this year, 1910,

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established and declared the anniversary of the election...

[*Latin ed. p. 43*]

The Holy Congregation of Rites. Regarding the forty-third anniversary or translation, concerning Bishops elected or translated in the Consistory, it must still be counted from the day of the Consistory's publication; but concerning other Bishops previously elected or translated, henceforth not from the day of the announcement in the Consistory, but from the day of the dispatch of the Apostolic decrees or letters pertaining to the election or translation. The aforementioned Bishop elected from Novae Carthaginensi, by a Brief of February 15th of the year 1898, and published in the Consistory on March 24th of the same year, afterwards, when the Diocese of Carthaginensi was elevated to the archiepiscopal dignity, the first Archbishop of that Archdiocese was announced by a Brief of July 17th, 1901, without any subsequent publication in the Consistory. Because the Diocese and the dignity of the aforementioned Bishop were increased, and no true translation was made, but only a promotion, the Mass of the election has thus far been celebrated in the Diocese on March 24th, that is, on the anniversary of the day on which the aforementioned Bishop was published as a Bishop in the Consistory. Now the question is asked: Should the celebration of the anniversary of the election continue to be held on March 24th, the day on which the Bishop was published in the Consistory, or rather, should it be held on July 17th, the day on which he was announced as Archbishop by a Brief? And the Holy Congregation itself, with the careful support of the Liturgical Commission, and after hearing the opinion of the Holy Congregation of Consistory, judged that the proposed doubt should be answered as follows: Negatively to the first part; Affirmatively to the second part: namely, that the anniversary of the elevation to the Archbishopric should be celebrated. And thus it was decreed, on December 2nd, 1910. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Petrus La Fontaine, Bishop of Charystien., Secretary.

[*Latin ed. p. 44*]

Acta Apostolicae Sedis. - Official Commentary. 44

SACRA ROMANA ROTA

I. In the Sacred Roman Rota, the following causes were heard under seal, and the definitive judgment is published only in part, in the following manner:

I. IACIEN. - Impediments to contracting marriage. The question proposed: Whether marriage ought to be prohibited in this case? The Reverend Fathers Auditors on duty, namely G. Persiani, presiding, G. Sebastianeiii, and S. Many, on March 11, 1910, judged that the answer should be: Nega-

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tive.

II. SANGALLEN. - (in Helvetia) Annulment of marriage. The question proposed: Whether there exists a cause for the annulment of the marriage in this case? The Reverend Fathers Auditors on duty, namely I. Prior, presiding, A. Sincero, and I. Mori, on March 17, 1910, judged that the answer should be: Negative.

III. PARISIEN. Annulment of marriage. The question proposed: Whether the judgment of the Rota of July 10, 1909, should be confirmed or annulled in this case? The Reverend Fathers Auditors on duty, namely G. Sebastianeiii, presiding, S. Many, and F. Heiner, on April 9, 1910, judged that the answer should be: That the judgment of the Rota should be confirmed.

IV. COLONIEN. Annulment of marriage. The question proposed: Whether there exists a cause for the annulment of the marriage in this case? The Reverend Fathers Auditors on duty, namely F. Heiner, presiding, T. Prior, and A. Sincero, on May 19, 1910, judged that the answer should be: Negative.

V. ATHENAEUM. - Annulment of marriage. The question proposed: Whether there exists a cause for the annulment of the marriage in this case? The Reverend Fathers Auditors on duty, namely A. Sincero, presiding, I. Mori, and F. Cattani, on May 20, 1910, judged that the answer should be: Affirmative.

VI. ARETINA. - Spiritual exercises and penances. The question proposed: Whether there exists a cause for the imposition of the prescribed penances by the judgment of March 31, 1909? The Reverend Fathers Auditors on duty, namely

[*Latin ed. p. 45*]

The Holy Roman Rota. 45 I. Mori, Ponens, F. Cattani, and A. Perathoner, on the 16th of June, 1910, judged: Negatively. VII. VENETIARUM. – Concerning separation, both in regard to the bed and in regard to the table. The proposed question: Does it appear that the sentence of the Metropolitan Tribunal of Venetia, of the 15th of July, 1909, is null, so that a separation, both in regard to the bed and in regard to the table, should be granted in this case? The Reverend Fathers Auditors on duty, namely, the Most Reverend M. Lega, Dean, Ponens, I. Mori, and F. Cattani, on the 5th of July, 1910, judged: It does not appear that the sentence is null, but that one should depart from the decisions contained therein, so that, considering the circumstances present in the case, and those circumstances persisting, there should be grounds for a separation, both in regard to the bed and in regard to the table. VIII. ORTONEN. – Concerning the nullity of marriage. The proposed question: Does it appear that the marriage is null in this case? The Reverend Fathers Auditors on duty, namely, I. Prior, Ponens, A. Sincero, and I. Mori, on the 15th of July, 1910, judged: Negatively. IX.

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ROMANA. – Concerning the nullity of marriage. The proposed question: Does it appear that the marriage is null in this case? The Reverend Fathers Auditors on duty, namely, I. Mori, Ponens, F. Cattani, and A. Perathoner, on the 30th of November, 1910, judged: Negatively. X. CONSTANTINIEN. – Concerning defamation. The proposed question: Does it appear that there is defamation, so that there should be grounds for an action for damages in this case? The Reverend Fathers Auditors on duty, namely, the Most Reverend M. Lega, Dean, Ponens, I. Mori, and F. Cattani, on the 12th of December, 1910, judged: Negatively. In Rome, from the Chancery of the Holy Roman Rota, on the 4th of January, 1911. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis. - Official Commentary. MARSEILLE. Citatory Edict. NULLITY OF MARRIAGE (PLANCHAT-RAULIER). Since the domicile of Mr. Émilie Raulier is unknown, by the present edict, we summon the aforementioned Mr. É. Raulier to appear, either in person or through a legitimately constituted procurator, at the seat of the Tribunal of the Sacred Roman Rota on February 10, 1911, at eleven o'clock in the morning, in order to examine and subscribe to the doubt set forth below, and to determine the date for the hearing of the cause before the Rota. Doubt: "Does it appear that there is a nullity of the marriage in the present case?" The Ordinaries of the places and all the faithful who have knowledge of the domicile or the current residence of the aforementioned Mr. Émilie, must, as far as possible, ensure that he is informed of this edictary citation. Rome, January 12, 1911. William Sebastianeiii, Presiding Judge. L.)3« S. Rev. Mr. Tancredes Tani, Notary of the Sacred Roman Rota.

[*Latin ed. p. 47*]

Commission on Biblical Matters. 47 COMMISSION ON BIBLICAL MATTERS: REGULATIONS CONCERNING THE EXAMINATION OF CANDIDATES FOR ACADEMIC DEGREES IN SACRED SCRIPTURE. Those who aspire to academic degrees in Sacred Scripture, according to what has been established by Apostolic Letters concerning Holy Scripture, may contend, and it is certain; the subjects of examination are defined, in which candidates will present legitimate demonstrations of their knowledge before the Biblical Commission. I. WRITTEN EXAMINATION: A) Exegesis (i.e., doctrinal exposition, philological criticism) of the four Gospels and the Acts of the Apostles. A passage from these texts will be chosen by the examiners, and the candidate will be examined on it, word for word. B) A dissertation on biblical history, according to the subject matter assigned under no. III. C) A dissertation on general introduction, according to the subject matter set forth below under no. V, or on a special introduction to the following books: Pentateuch, Job, Psalms, Isaiah, Jeremiah, Ezekiel, Danielis, Ecclesiastes, Wisdom, and the entire New Testament. ORAL EX-

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AMINATION: I. In Greek: the four Gospels, the Acts of the Apostles, the Epistle to the Romans, and the second Epistle to the Corinthians. II. In Hebrew: the four books of Kings. III. Selected questions from the entire history of the Hebrews, and from the history of the Gospels and the Apostles. 1.° The history of Abraham; his relations with Babylonia (Amraphel, Hammurabi?) and with Egypt; Canaan at the time of Abraham. 2.° The sojourn of the Hebrews in Egypt; Moses. 3.° The Exodus; the vicissitudes of the Hebrews in the desert. 4.° The history of the Judges. 5.° The institution of the kingdom of Israel. 6.° The age of splendor of the kingdom of Israel; David and Salomon.

[*Latin ed. p. 48*]

Acts of the Apostolic See. - Official Commentary. 7. The schism of the ten tribes. - The warlike incursion of Sesac into Palestine. - The kingdoms of Josaphat, Athaliah, Oziah, Achaz, Ezechiah, Manasses, and Josias. - Jerusalem captured by Nabuchodonosor. 8. The dynasty of Amri and his enemies (Mesa, etc.). - Jehu, Manahem, Phacee. - The final days of Samaria. 9. The return from exile. - The beginning of the diaspora (documents of Elephantine). 10. The history of the Jews during the time of the Maccabees. 11. Judea under Roman domination. - The dynasty of Herod. 12. The evangelical and apostolic history. IV. A special introduction to each book of both Testaments (i.e., authenticity, age, subject matter). V. Selected questions of the general introduction, namely: 1. Concerning the inspiration of the Holy Scriptures. 2. Concerning the literal and the typical sense. 3. Concerning the laws of Hermeneutics. 4. Concerning the principal documents of the Church pertaining to the Biblical matter. 5. Concerning the ancient synagogues of the Hebrews. 6. Concerning the various Jewish sects around the time of Christ. 7. Concerning the nations inhabiting Palestine at the time of Christ. 8. The physical geography of Palestine. 9. Concerning the principal differences in the division of Palestine during the time of the Kings and during the time of Christ. 10. The topography of Jerusalem, especially during the time of Christ. 11. Concerning the calendar and the principal sacred rites of the Hebrews. 12. Concerning the weights, measures, and coins mentioned in Holy Scripture.

II. FOR THE DEGREE.

WRITTEN: A somewhat more extensive dissertation on a certain more serious topic, to be chosen by the candidate with the approval of the Commission.

BEFORE:

I. The defense of the dissertation to be examined by the censors.

II. The candidate must give a sample lecture on an exegesis of a topic assigned to him one hour beforehand.

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III. The candidate shall choose and expound, at his discretion, one of the following parts of the New Testament, for the judgment of the judges:

[*Latin ed. p. 49*]

"Commission concerning Biblical matters. 1.° The Epistles to the Romans. 2.° The First and Second Epistles to the Corinthians. 3.° The First and Second Epistles to the Thessalonica, and to the Galatians. 4.° The Epistles of captivity and the pastoral epistles. 5.° The Epistle to the Hebrews. 6.° The Catholic Epistles. 7.° The Apocalypse. IV. Exegesis, as above, of some of the following parts of the Old Testament: 1.° Genesis. 2.° Exodus, Leviticus, and Numbers. 3.° Deuteronomy. 4.° Joshua. 5.° Judges and Ruth. 6.° The Books of Chronicles, Ezra, and Nehemiah. 7.° Job. 8.° The Psalms. 9.° Proverbs. 10.° Ecclesiastes and Wisdom. 11. The Song of Songs and Ecclesiasticus. 12.° Esther, Tobias, and Judith. 13.° Isaiah. 14.° Jeremiah, with the Lamentations and Baruch. 15.° Ezekiel. 16.° Daniel, with the books of the Maccabees. 17.° The Minor Prophets. V. Selected questions of the general introduction. 1.° Concerning the history of Christian exegesis up to the end of the fifth century; especially concerning the exegetical schools of Alexandria and Antioch, as well as the exegetical works of St. Jerome. 2.° Concerning the history of the canon of both Testaments. 3.° Concerning the origin and authority of the Masoretic text. 4.° Concerning the Septuagint version, and other older versions, to be used in the critical examination of texts. 5.° The history of the Vulgate up to the beginning of the seventh century. - Its authenticity declared by the Council of Trent, and subsequent corrections. 6.° Knowledge of the principal documents, discoveries, and inventions which illustrate the Sacred Scriptures. VI. Furthermore, proficiency must be demonstrated in some language other than Latin."

[*Latin ed. p. 50*]

50 Acta Apostolicae Sedis. - Official Commentary. Concerning the Hebrew and Chaldean languages, whose usage is greater in biblical disciplines. This explanation, presented in a more detailed form by the Pontifical Biblical Commission, was deigned to be approved by the Most Holy Pope Pius X on January 12, 1911. Fulcranus Vigouroux, P. S. S. Lawrence Janssens, O. S. B., are Consultants from the Acts. Letters should be sent to the Reverend Father F. Vigouroux (Rome, Quattro Fontane 113), or to the Reverend Father Abbot Lawrence Janssens O. S. B. (Rome, Collegio S. Anselmo, Monte Aventino), Consultants from the Acts of the Commission.

SACRED CONGREGATION OF RITES

ORDINARY CONGREGATION

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On the 20th day of the month of December, 1910, the Ordinary Congregation of the Sacred Rites was held in the Apostolic Palace at the Vatican, to discuss the following matters:

I. Introduction of the Cause of Beatification and Canonization of the Venerable Servant of God, Catherine Volpicelli, Foundress of the Institute of the Handmaids of the Sacred Heart of Jesus.

II. Granting and approval of the Office and Proper Mass, and of the Elogy to be inserted in the Martyrology, in honor of the Blessed Julian Cesarello, Professed Priest of the Order of the Friars Minor.

III. Revision of the writings of the Servant of God, Anthony Chevrier, Priest, Founder of the Society of Priests of the Prado.

ANTE-PREPARATORY CONGREGATION

On the 17th day of the current month of January, at the Most Reverend and Illustrious Cardinal Vincenzo Vannutelli, Promoter of the Cause of Beatification and Canonization of the Venerable Elizabeth Sanna, Professed Tertiary of the Order of St. Francis, the Ante-Preparatory Congregation of the Sacred Rites will be held to discuss the question concerning the heroic degree of the virtues of the aforementioned Venerable.

[*Latin ed. p. 51*]

Diarium Romanae Curiae. 51 SECRETARY OF STATE. His Holiness, with a note and a Brief from the Secretary of State, has deigned to appoint: Protonotaries Apostolic, ad instar participatium: December 30, 1910. — Mons. Luigi Humbrecht, General Vicar of the diocese of Besançon. Domestic Prelates of His Holiness: December 7, 1910. — The Reverend Giacomo Stefanopoli, canon of the Metropolitan Church of Florence. December 9. — The Reverend Gaetano Cini, canon of the Metropolitan Church of Florence. December 10. — The Reverend Marcello Grondona, Rector of S. M. Immacolata in Genoa. HONORS. 11 The Holy Father, with a note and a Brief from the Secretary of State, has deigned to bestow the following honors: The Order of Saint Gregory the Great, with plaque: December 30, 1910. — To Mr. Paolo van de Kerchove, formerly lieutenant in the Pontifical Zouaves. The Order of Saint Gregory the Great, civil class: December 5, 1910. — To Mr. Francesco Teodoro Everard, of Amsterdam. The Order of Saint Gregory the Great, military class: December 9, 1910. — To Mr. Temistocle Montenovesi, of Rome. Apostolic Briefs dated July 29, 1892, May 7, 1896, and January 26, 1909, by which the Knight of the Order of Saint Gregory the Great, the hereditary title of Marquess, and the Order of Saint Gregory the Great were granted to Mr. Patrizio Valentino

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Emanuele Mac Swiney, have been annulled.

[*Latin ed. p. 52*]

Acts of the Apostolic See. - Official Commentary.

BY ORDER OF HIS HOLINESS

His Holiness, through a letter from His Eminence, the Reverend Monsignor, the Chamberlain, has deigned to appoint:

Extraordinary Secret Chamberlains:

December 13, 1910. — Monsignor Matteo Polonyo, of the diocese of Veglia.

December 19. — Monsignor Stefano Gominazzini, of the diocese of Novara.

— Monsignor Alfonso Servus, of the archdiocese of Vienne.

— Monsignor Antonio Ioaquim da Fonseca, of the diocese of Campanha.

— Monsignor Alfredo Lang, of the diocese of Csanád.

— Monsignor Emerico Gsepregi, of the same diocese.

— Monsignor Felice Vallesi, of the archdiocese of Ancona.

Chamberlains of Honor, wearing the peacock blue cassock:

December 19, 1910. — Monsignor Emilio Cappellini, of the archdiocese of Firenze.

— Monsignor Manoel Rébas d'Avila, of the diocese of Campinas.

Chaplain of Honor:

December 19, 1910. — Monsignor Pasquale De Magistris, of the diocese of Avellino.

NECROLOGY

January 4, 1911. — His Eminence, the Reverend Cardinal Francesco Segna, Prefect of the Holy Congregation of the Index.

December 15, 1910. — Monsignor Angelo Cattaneo, titular Bishop of Ippo, Apostolic Vicar of Southern Ho-nan (China).

December 24, 1910. — Monsignor Guglielmo Istvan, Bishop of Sabaria (Hungary).

December 26, 1910. — Monsignor Francesco Nakic, Bishop of Spalato and Macarasca in Dalmatia.

— Monsignor Fortunato Vinelli, Bishop of Chiavari.

January 15, 1911. — Monsignor Giovanni Giuseppe Antonio Eguiguren, Bishop of Loja (Equator).

[*Latin ed. p. 53*]

Year III. - Vol. III. February 15, 1911. No. 2. OFFICIAL COMMENTARY ON THE ACTS OF POPE PIUS X BY PAPAL ACT. THE PRIESTS ARNOLD

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HARRIS, MATHEW HERBERT, IGNATIUS BEALE, AND ARTHUR WILLIAM HOWARTH ARE PUBLICLY EXCOMMUNICATED. We have learned, with great sorrow and profound dismay, that the priests HERBERT and IGNATIUS BEALE, and ARTHUR WILLIAM HOWARTH, of the Nottingham diocese, have, instead of seeking what is their own and what belongs to Jesus Christ, been led astray by the fervor of ambition. After having repeatedly attempted to gain honor within the episcopate among non-Catholics, they have, in the latest manifestation of their audacity, presumptuously announced to Us that they have received Episcopal consecration. And their announcement has not lacked authentic testimony; for that certain pseudo-bishop, ARNOLD HARRIS MATHEW, who was the chief instigator of this sacrilegious act, did not hesitate to confirm it in letters filled with falsehoods addressed to Us. Moreover, this man did not hesitate to arrogate to himself the title of Archbishop of the Anglo-Catholic Church of London. Therefore, first of all, beloved sons, concerning whom we have always received and continue to receive the most excellent testimonies of your religious devotion and loyalty towards Us, we earnestly exhort you in the Lord to be diligent in guarding yourselves against their deceptions and snares. And then, so that our ministry may not seem to be lacking, following the example of Our predecessors, we declare the aforementioned consecration VOID.

[*Latin ed. p. 54*]

54 Acta Apostolicae Sedis. - Official Commentary. We decree that the act is illegitimate, sacrilegious, and entirely contrary to the mandates of this Holy See and the sanction of the Sacred Canons. Furthermore, we excommunicate, anathematize, and declare the aforementioned priests, ARNOLD HARRIS MATTHEW, HERBERT IGNATIUS BEALE, and ARTHUR WILLIAM HOWARTH, and all others who have provided assistance, counsel, or consent to this nefarious crime, to be separated from the communion of the Church, and to be considered entirely schismatic, and we command and solemnly declare that they are to be avoided by all Catholics, and especially by you. While applying this remedy, which is indeed necessary, we also exhort you, our beloved sons, to add your fervent prayers to ours, beseeching God to deign mercifully to restore these unhappy wanderers to the fold of Christ and to the port of salvation. That you may, with God's help, achieve this more effectively, we impart to you, from our heart, the Apostolic blessing. Given at Rome, near St. Peter's, under the Fisherman's ring, on the eleventh day of February, 1911, in the eighth year of Our Pontificate. PIUS POPE. APOSTOLIC LETTERS I. THE FACULTY OF PERPETUAL ADORATION IS GRANTED TO THE ARCHISODALITY OF THE DIOCESE OF LABACENSIS, AND TO OTHER SODALITIES OF THE SAME NAME THROUGHOUT THE WORLD, AND INDULGENCES ARE GRANTED TO THEM. PIUS PP.

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x. For the perpetual memory of this matter. — This work of piety and charity was brought to our attention by the Supreme Moderator of the Archisodality of Perpetual Adoration, at the request of the Venerable Servant of God, Francis Joseph Rudigier, Bishop of LINCIENSIS, by our predecessor, the blessed Pope Pius IX.

[*Latin ed. p. 55*]

From the Acts of Pope Pius X, page 55, since the year 1567, under the patronage of St. Benedict, an association was established in the abbatial church of Laibach, through similar Apostolic Letters, which strives to aid the souls detained in the fire of Purgatory, and already possesses, through those same Letters, the faculty of aggregating other associations of the same name, whether already established or to be established, within the Austro-Hungarian Empire. Now, since such associations have also arisen outside of the aforementioned Empire, the aforementioned Moderator humbly requested that we enrich this very association with a new privilege, so that it might be able to add to itself institutions of this kind, wherever they exist throughout the world. Heeding these requests, and confident in the mercy of Almighty God, and in the authority of the Apostles Peter and Paul, We hereby, by the tenor of the present document, grant, with Our Apostolic authority, to the officials and members, present and future, of the aforementioned Archsodalitas, perpetual power to aggregate any associations of the same name and purpose, whether already established or to be established in any nation, with the consent of the respective Ordinary, always observing the form of the Constitution of Pope Clement VIII, Our Predecessor, and other Apostolic ordinances issued concerning this matter, and to communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted to said Archsodalitas by this Holy See, and all that can be granted to others. We decree that these Our letters shall always exist and be valid and effective, and shall have their full and complete effect and obtain it, and shall fully suffice for those to whom they pertain, both now and in the future, in all things and through all things, and that, accordingly, the aforementioned matters should be judged and decided by any ordinary or delegated judge, and that they shall be considered null and void if anyone, through any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding the Apostolic Constitutions and Ordinances, including those deserving of special and individual mention and derogation, and all other things to the contrary, whatever they may be. Given at Rome, at St. Peter's, under the Fisherman's ring, on the eleventh day of March, in the year 1910, in the seventh year of Our pontificate. R.

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CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 56*]

56 Acta Apostolicae Sedis. - Official Commentary. CONCERNING THE TITLE OF A BASILICA MINOR FOR THE PAROCHIAL CHURCH OF THE PLACE COMMONLY CALLED "NEUVY-SAINT-SÉPULCHRE" IN THE ARCHDIOCESE OF BITURICENSIS. PIUS PP. X. For the perpetual memory of the matter. — Temples of God, which excel in sacred antiquity and the splendor of their monuments, and which are frequented by a singular devotion of the faithful, We, following the example of Our Predecessors, the Roman Pontiffs, have been accustomed to honor them with illustrious titles and privileges. This is fitting, and it is deserved, that under the title of the Holy Sepulchre of Jerusalem there exists in the Archdiocese of Bituricensis, in the town commonly called Neuvy, and distinguished by the very name of the Holy Sepulchre. That temple consists of two buildings, of which one was originally constructed by the venerable Saint Martial, Apostle of Aquitaine; the other, founded in the eleventh century, recalls the structure of the Holy Sepulchre of Jerusalem. This illustrious church, formerly exempt from the ordinary jurisdiction, was later raised to the status of a collegiate church in the year 1226 and enriched with privileges; in the seventeenth century, it became the seat of the Sodality of the Precious Blood, established there; and at the beginning of the nineteenth century, it became the parish church of the town of Neuvy. To this place, so renowned as a sanctuary, pious people are wont to flock, both in groups and individually, especially on the second day after the Sunday of the Resurrection of the Lord. In addition to the precious relics of the heavens, it offers a rich abundance of indulgences to those who seek them, and it is adorned with magnificent furnishings; no less does it excel in the splendor of divine worship, especially through the efforts of the clergy, who diligently attend to sacred matters. When, therefore, the Venerable Brother Ludovicus Dubois, Archbishop of Bituricensis, heeding the requests of the Parish Dean, made humble supplications to Us, that We might deign to declare that temple a Basilica Minor; We, moved by the glory of the building and the importance of those who requested it, were inclined to fulfill their wish. Wherefore, by Our Apostolic Authority, through the force of these letters, We elevate the ancient and most conspicuous parish temple of the town called Neuvy-Saint-Sépulchre in the Archdiocese of Bituricensis, dedicated to the Holy Sepulchre of Jerusalem, to the dignity of a Basilica Minor, and We grant to it all the privileges that belong to the Basilicas Minor of this Our Holy City: decreeing that these present letters shall always exist and be valid and effective, and shall have and obtain their full and complete effects, and that they shall fully suffice and prevail for all and in all respects, for those to whom they pertain, now and in the

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future, thus...

[*Latin ed. p. 57*]

57. The acts of Pope Pius X, in the matters mentioned above, must be judged and determined by whatever ordinary or delegated judges, and they are void and null if, concerning these matters, anyone, with any authority, knowingly or unknowingly, should attempt to interfere. Notwithstanding any Apostolic Constitutions and Ordinances, or any other things that might attempt to do the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twentieth day of December, in the year 1910, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. III. TO THE REGULAR PROVINCE OF THE HOLY CROSS IN SAXONY OF THE ORDER OF THE MINOR FRATIARS: A PLENARY INDULGENCE IS GRANTED ANNUALLY ON THE FEAST DAYS OF THE EXALTATION AND THE INVENTIO OF THE MOST HOLY CROSS. PIUS PP. X. For the perpetual memory of this matter. — It is truly fitting, just, and salutary that men, redeemed by the precious blood of Christ, should recall and venerate with diligent study and filial devotion the glorious sign of that same Redemption, the Cross, and this has been most readily accepted by Our heart. Therefore, since the beloved son, the Provincial Superior of the Regular Province of the Holy Cross of the Order of the Minor Friars, has earnestly requested us, that We might, with similar Apostolic Letters, extend the plenary indulgence granted to the churches and chapels of his Province, as of then, on the twenty-sixth day of August in the year 1856, and on the fifth of April in the year 1854, with the Fisherman's Ring, for the feast of the Exaltation of the Most Holy Cross, to other churches and chapels in the same regular province, either already erected or to be erected in the future, We deem it right to grant this with Our benevolence, and to add a similar indulgence for the feast of the Invention of the Holy Cross as well, by which the same Province is named. Since these things are so, and with confidence in the mercy of Almighty God and the authority of the Blessed Apostles Peter and Paul, We willingly and gladly grant this to all and each of the faithful, of both sexes, who, truly penitent and having confessed, and having received Holy Communion, from any of the churches or chapels of the Order of the Minor Friars, which are presently located in the regular Province of the Holy Cross in Saxony, or which may be erected in the future, on each of the annual feast days of the Invention and the Exaltation of the Lord's Cross, by which title the Province itself is ennobled, from the first vespers until sunset on those days.

[*Latin ed. p. 58*]

58 Acta Apostolicae Sedis. - Official Commentary. Those who, each year, devoutly visit [the designated place], and there offer pious prayers to God

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for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and who, on those days, have fulfilled [certain conditions], We grant and bestow upon them, for the remission of all their sins, a plenary indulgence, which they may also apply for the benefit of the souls of the faithful who, united with God in charity, have departed from this life. Notwithstanding any contrary provisions. This applies perpetually, from now on and for all future times. We decree that to these present Letters, or even to printed copies thereof, if signed by the hand of a public Notary and sealed with the seal of a person holding an ecclesiastical office, the same full faith shall be given as would be given to the present Letters themselves, if they were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eleventh day of January, 1905, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. IV. THE LAW OF ABSTINENCE IS RELAXED FOR THE FAITHFUL OF THE KINGDOM OF SCOTLAND. PIUS PP. X. For the perpetual memory of this matter. – The benign Mother Church, while proposing fasts and abstinences to her own children, so that they may more easily attain to eternal glory, nevertheless mitigates and lightens the burdens of these laws, lest they sometimes seem less appropriate to the circumstances and the time. Now, We have learned that it is very burdensome for the faithful of the Kingdom of Scotland, especially since they are largely laborers and are engaged daily in arduous work, to abstain from meat for two consecutive days. Therefore, heeding the requests of all the prelates of that region, which Venerable Brother James Augustine, Archbishop of St. Andrews and Edinburgh, and Metropolitan in Scotland, presented to Us with his support, We, with a benevolent heart, relax the rule of abstinence. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant and bestow, by Our Apostolic authority, upon all and each of the faithful of the Kingdom of Scotland, perpetually, according to the tenor of these present decrees, that, excluding the season of Lent, on the four Sabbaths of the year, and on those Vigils which immediately precede or follow the sixth day of the week, or any other day of abstinence, they may freely and lawfully eat meat. In contra-

[*Latin ed. p. 59*]

59. The Acts of Pope Pius X, nothing hindering their effect. We decree that these Our Letters shall always exist and be valid and efficacious, and shall fully and completely produce their intended effects, and shall fully support those to whom they apply, now and in the future, in all things and through all things, and that they shall be judged and decided upon in the aforementioned matters by any ordinary or delegated judge, and shall be null and void if, by anyone, knowingly or unknowingly, through any authority, anything should happen to interfere with them. Given in

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Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-seventh day of January, 1905, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L.)$i S. a Secretis Status. V. CONCERNING THE PURPOSE OF PRAYERS AND WORKS FOR THE RESTORATION OF UNITY TO THE CHURCH, PROPOSED BY THE SULPICIAN SOCIETY BEYOND BRITAIN. PIUS PP. X. For the perpetual memory of this matter. — Whenever the thought occurs to us of the prayers made by Christ to the eternal Father, which are recounted by the Apostle John in the Gospel, chapter 17, we are strongly moved and inflamed with the desire to see the multitude of believers drawn to Him by charity, so that there may again be one heart and one soul (Acts of the Apostles, chapter 4, verse 32). This fraternal union, which was so desired by the Divine Master, is plainly declared in the prayers first offered for the Apostles by Him: "And now I am not in the world, and these are in the world, and I come to thee. Holy Father, keep them in thy name whom thou hast given me: that they may be one, as we also are." But this unity is not to be limited to the company of the Apostles, but must be extended to all the servants of Christ; and the following words make this quite clear: "And not for them only do I pray, but for them also who through their word shall believe in me, that they may all be one, as thou, Father, art in me, and I in thee, that they also may be one in us; that the world may believe that thou hast sent me." How close this union must be is indicated by these words: "I am in them, and thou in me, that they may be made perfect in one." Considering these things, and with incredible joy, we, though unworthy, entrusted with the care of nourishing our brothers, and of guiding the sheep and goats, have received from the highest director of the Sulpician Congregation of Paris, and also the president of the principal society of prayers and pious works for the restoration of Britain to the unity of the Faith, a proposal entirely in accordance with these sentiments.

[*Latin ed. p. 60*]

60 Acta Apostolicae Sedis. - Official Commentary. We have seen presented to Us, in humble petitions, documents from two Cardinals and several sacred prelates, who, having attended the Canadian Eucharistic Congress, expressed their desires. These individuals lamented that the aforementioned sodality, instituted by Our predecessor, Pope Leo XIII, under the patronage of the Blessed Virgin Mary, Comforter of the Afflicted, in Paris, at the church of Saint Sulpice, by apostolic letters dated the twentieth day of August in the year 1897, might extend its purpose more broadly, so that, not only Great Britain, but all regions connected with this society by the same language, might enjoy the common benefit of their prayers. To increase this union of prayers, besides the fact that the matter itself is most desirable, We have been greatly encouraged and moved by the fervent desires and authority of men of sanctity, doctrine, and dignity,

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who, admiring the zeal and most fruitful study of Saint Paul, the Apostle of the Cross, and of Saint Dominic, the Mother of God, have judged it necessary to promote, by all means, the good of unity, and all the benefits that can be expected from it, especially through prayer to God. Therefore, by Our apostolic authority, through the present letters, We command that the sodality, which is the principal of prayers and pious works for the return of Great Britain to the unity of the Faith, under the patronage of the Blessed Virgin Mary, Comforter of the Afflicted, established by Our predecessor, Pope Leo XIII, in the aforementioned apostolic letters, in the buildings of Saint Sulpice, extend its purpose, as We desire, so that, while We wish it to remain veiled and hidden in other respects, it may encompass, through its prayers, not only the sons of Great Britain, who are most dear to Us, but all peoples who use the English language as their vernacular. Notwithstanding any constitutions and ordinances apostolic, and other special permissions, or individual matters worthy of mention, to the contrary. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the n day of February in the year 1940, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 61*]

Acts of Pope Pius X, 61. LETTERS. I. TO THE MOST ILLUSTRIOUS MAN, HENRY FITZALAN-HOWARD, DUKE OF NORFOLK, CONCERNING THE CHURCH IN THE TOWN OF NORWICH, ERECTED THROUGH HIS PIETY AND ENCOURAGEMENT. Beloved Son, Health and Apostolic Benediction. — We have admired this fruit of your outstanding piety, the church in the town of Norwich, which you erected with generosity, and which will be dedicated to God on the feast of the Immaculate Conception of the Blessed Virgin Mary. There is no better use for your wealth. Indeed, you have gained double praise, for you have honored both God and the community of charity. You have deservedly earned praise in both respects, for you have served both the dignity of the sacred rites and the benefit of the local population. This desire to do good, which we have long observed in you, and which has been justly commended by our predecessor, Pope Leo XIII, may now be adorned with new praise, through this new and outstanding testimony. Therefore, Beloved Son, may our benevolence towards you increase, and we impart to you and to your most illustrious family our Apostolic Benediction, the source of divine graces, and we earnestly pray that the majesty of the Lord may fill the house which you have built, and that His ears may be attentive to the prayers of those who will be present in this place. Given in Rome, at St. Peter's, on the 8th of November, 1900, in the eighth year of our pontificate. PIUS PP. X. II. TO CARDINAL GLÁDIUS VASZARY, ARCHBISHOP OF STRIGON, AND OTHER ARCHBISHOPS OF HUNGARY, CONCERNING THE TESTIMONY OF VENERATION

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FOR THE BLESSED FATHER, EXHIBITED TO HIM THROUGH LETTERS BY THE SAID BISHOPS GATHERED IN BUDAPEST. Beloved Sons and Venerable Brothers, Health and Apostolic Benediction. — We have not been unmindful of the most desired acts of piety, both from you, Beloved Son, and from the other Archbishops of Hungary. Indeed, you took the opportunity of the assembly which you held a few days ago in Budapest, for the common good of the Churches entrusted to you.

[*Latin ed. p. 62*]

Acts of the Apostolic See. - Official Commentary. Concerning matters to be treated, with one mind, as the letters testify which you sent to Us at that time, you solemnly approved those words by which, not long ago, here in Rome, such a great burden of injuries was imposed upon the Catholic name, and such a grievous sorrow was kindled within Us. We have loved this love of yours, and, strengthened thereby, We promise to fulfill what is due to you, in place of paternal charity. In the meantime, We express our hope that the resolutions which you adopted in the aforementioned assembly, perfectly suited to the needs of your Churches, will bring forth a rich harvest of blessings, abundantly, through your endeavors. May the Apostolic Blessing, which, with heavenly favor, We impart to you all, Our beloved Sons and Venerable Brothers, and to each of your clergy and people, accompany you. Given in Rome, at St. Peter's, on the twentieth day of November, 1910, in the eighth year of Our Pontificate. PIUS PP. X.

To the Most Reverend Fathers, the Most Reverend Alexander, Archbishop of Oregon, and the other Bishops of the Province of Oregon, who, through letters, have offered a great testimony of piety to the Most Blessed Father, Greetings and Apostolic Blessing.

It is pleasing to announce that, as you declared in recent letters, the sorrow you felt for the recent injuries inflicted upon Us, and all others, have been shared with Us, Venerable Brothers, and that among Catholics, as is evident throughout the world, such sentiments are kindled. This wonderful conspiracy of piety (what else can we conceal?) has brought us so much joy that we have truly rejoiced in our tribulation. We are delighted by the efforts of our Venerable sons and brothers, more than we are pained by the cruelty of our enemies. It is not necessary to pursue further the testimony of your love, which is so evident. We speak to brothers who truly value the feelings of their brother. May God, who is charity, make this charity between Us and you ever stronger, and may He enrich it. This is what We desire, and what We fervently pray to Him who holds Our place: mindful of Our office, and as a witness to Our supreme benevolence, We impart the Apostolic Blessing to you all, Venerable Brothers, and to each of your flocks.

Given in Rome, at St. Peter's, on the thirtieth day of November, 1910, in

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the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 63*]

Acts of Pope Pius X, 63 IV. TO THE ILLUSTRIOUS MAN, COUNT ALPHONSE MENSDORFF-POULLY, PRESIDENT OF THE VIENNESE SOCIETY OF SAINT MICHAEL THE ARCHANGEL, AND TO OTHER MICHAELIAN MEMBERS, WHO HAVE SHOWN THEIR DEVOTION TO THE MOST BLESSED FATHER. Beloved Sons, Greetings and Apostolic Benediction. Know that We have been most grateful for the demonstration of devotion which, having seized the most opportune occasion, you, Beloved Sons, recently offered, and which other Catholics from almost all of Austria, under your leadership and auspices, have offered with one heart. We are pleased with your devotion, and We consider the signs of love that flow from it to be most pleasing. Remembering your service, We declare to you that We remember you; may the Apostolic Benediction, which We impart to you, Beloved Sons, and to all those whom you have as associates and fellow students, be a witness to this, and may it bring together heavenly blessings. Given at Rome, near Saint Peter, on this day, December 1st, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. V. TO THE ILLUSTRIOUS MAN, COUNT WILLIAM VERSPEYEN, UPON THE FIFTIETh ANNIVERSARY OF THE DATE FROM WHICH HE BEGAN TO WORK ON THE ESTEEMED GANDAVENSIAN EPHEMERIS, WHICH IS ENTITLED "LE BIEN PUBLIC." It has been most pleasing to Us to learn that you will soon celebrate the fiftieth anniversary of your entry into the editorial staff of the Catholic newspaper of Gand, which appears under the title "Le Bien Public." On this memorable occasion of your life, so nobly and valiantly spent for the Catholic cause, in the field of the press, in the defense of the most sacred interests of the Church and of your country, which you honor with your talents and merits, We are eager to join in your joy, in the joy of your many friends and admirers, and to express to you Our sentiments of particular esteem and goodwill. As a pledge of the most abundant divine favors, We grant you, from Our heart, the Apostolic Benediction. December 12, 1910. PIUS PP. X.

[*Latin ed. p. 64*]

64 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES) CONCERNING THE USEFUL PERIOD OF TIME FOR ESTABLISHING A VISIT TO A CHURCH OR CHAPEL, FOR GAINING INDULGENCES. January 26, 1911. Our Most Holy Lord Pope Pius, by the divine Providence, X, having heard the Reverend Father, the Assessor of the Holy Office, and in order to address the doubts, difficulties, and controversies that have often arisen, and perhaps may arise in the future, concerning the determination of the time during which a visit to a church or chapel is valid, when this is

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required to gain indulgences attached to a particular day, benignly granted that a useful period of time be considered and be observed, not only from midnight to midnight of the established day, but also from noon of the preceding day. This, however, shall be valid for both plenary and partial indulgences, to be gained once a day or as many times as desired, for all indulgences granted up to this day or to be granted in the future, whatever term or day may be designated. Provided that the clauses and conditions established in each individual concession remain in force. Notwithstanding any contrary provisions, even those of a special and particularly noteworthy nature. Aloisius Giambene, Substitute for Indulgences. L. © S. S. CONSISTORIAL CONGREGATION FOR THE ALTERATION OF LIMITS. Freiburg and others. - Our Most Holy Lord Pope Pius P P / X, by decree of the Sacred Consistorial Congregation of December 22, 1910, established that "the place of Gottersdorf, with the nearby Kummershof, both in the parish of Amorbach, in the diocese of Herbipolensis, shall henceforth be annexed to the filial church of Reinhardsschsen, which church will be a part of the parish of Glashofen, in the archdiocese of Freiburg; the small island of Rheni, Angelhof, which previously belonged to the parish of..."

[*Latin ed. p. 65*]

The Most Holy Congregation Consistorial. 65. Bockenheim, belonging to the archdiocese of Freiburg, shall be part of the parish of Otterstadt in the diocese of Spires; that part of the parish of Kürnbach, which formerly belonged to the territory of Hesse or Mainz, now belongs to the territory of Freiburg, and the parish of Sickingen is added; the field of Hesse, formerly of Baden, called Michelbuch, together with the forest (with a circumference of 300 hectares) belonging to the region of Baden called Adlerstein, near Heddesbach, which previously belonged to the territory of Freiburg, shall pass to the Archbishopric of Mainz, who will take care to include these fields in the parishes of Unter-Schönmattenwag and Neckar-Steinach. Passau and Ratisbon. – Furthermore, the same Holiness, by decree of this Holy Congregation on December 29th of the same year, established the following: "Six families and houses, that is, Obernhuber in Forstlehen, Angermeier and Wiehhauser in Binderberg, Geishauser in Bach, Hagl in Foerster, and Maier in Furth, are detached from the parish of Schoenau in the diocese of Passau and are united with the neighboring parish of Falkenberg in the diocese of Ratisbon; likewise, eight families and houses, that is, Geier in Stauern, Nussbaumer in Steinoed, Falter, Zauner, and Nussbaumer in Schmalzgrub, Neumayer in Schmauss, Freilinger in Freiling, and Schmauss in Fuchsgrub, are detached from the parish of Falkenberg in the diocese of Ratisbon and are united with the neighboring parish of Neuhofen in the diocese of Passau." NOMINATIONS OF BISHOPS. His Holiness Pope Pius X, by decree of this Holy Congregation, appointed: December 29, 1910. – The Reverend William Kloske, priest of the archdioceses of Gnesen and

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Posen, canon in the metropolitan church of Gnesen, rector of the seminary for clerics, and official in temporal matters of the general Consistory of Gnesen, as titular bishop of the church of Theodosiopolis. January 2, 1911. – The Reverend Ignatius Rieder, of the archdiocese of Salzburg, professor and doctor in the theological faculty, urban administrator, as titular bishop of the church of Surensis and as Auxiliary Bishop to the Most Reverend Archbishop of Salzburg. January 4, 1911. – The Reverend Anthony Feruglio, at his own request, was transferred from the Cathedral See of Vicenza to the titular church of Amisens. January 7, 1911. – The Reverend Michael Faulhaber, of the diocese of Würzburg, doctor in sacred theology and of the theological faculty at the University-

[*Latin ed. p. 66*]

63 Acta Apostolicae Sedis. - Official Commentary. In the city of Strasbourg, a professor was appointed as the bishop of the cathedral church of Spires. January 13, 1911. — The Reverend Father Joseph Schrembs, of the diocese of Grand Rapids, and there, as General Vicar, and Domestic Prelate of His Holiness, was appointed as the bishop of the titular church of Sophen, and as auxiliary bishop of the bishop of Grand Rapids. Furthermore, the Most Holy Father ordered that letters apostolic, sealed with lead, be issued regarding this matter, for the proper course of law.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH.

I. ERECTION OF THE NEW APOSTOLIC PREFECTURE OF NORTHERN TRANSVAAL. DECREE. In order that the increase of Catholics in the northern region might be more suitably promoted, it was deemed opportune to establish a new Apostolic Prefecture in that area, to cultivate it with a greater number of laborers in the Gospel. Therefore, the Fathers of this Sacred Congregation for the Propagation of the Faith, in their plenary meetings held on December 12th, decided to separate two civil districts, namely Zoutpansberg and Waterberg, from the Apostolic Vicariate of Transvaal, and to establish a new Apostolic Prefecture in their combined territory, entrusting it to the Benedictine Fathers of the Ancient Cassinese Congregation. This Prefecture Apostolic shall be called the Apostolic Prefecture of Northern Transvaal. This decision of the Fathers was presented to His Holiness Pope Pius X by the undersigned Secretary of the same Sacred Congregation, in an audience on December 20th; His Holiness benignly approved it and declared it valid, and ordered that the present Decree be issued concerning this matter.

Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on December 22nd, in the year 1910.

Fr. H. M. CARD. GOTTI, Prefect.

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L. S. Aloysius Veccia, Secretary.

[*Latin ed. p. 67*]

Sacred Congregation of Rites. 67. ON THE NOMINATION OF A BISHOP. He was nominated by the Brief Apostolical: January 31, 1911. — Reverend Father Nicholas Marconi, Auxiliary Bishop of the Diocese of Pula, titular Bishop of the Diocese of Theodosiopolis. III. ON THE NOMINATION OF AN APOSTOLIC PROPREFET. He was nominated by Decree of the Sacred Congregation of Propaganda Fide: January 13, 1911. — Reverend Father Ildefonsus Lanslots, of the Cassinensis Congregation of the Order of Saint Benedict of the Primitive Observance, appointed Apostolic Prefect of the newly established Apostolic Prefecture of Northern Transvaal. I. DECREE OR DECLARATION CONCERNING THE VATICAN EDITION AND ITS REPRODUCTION WITH REGARD TO GREGORIAN LITURGICAL BOOKS. By Decree of August 11, 1905, the Sacred Congregation of Rites decreed and declared that the reproductions of the Gregorian liturgical books pertaining to the Vatican Edition must be strictly conformed to that typical edition, with nothing added, subtracted, or changed. Although, with some tolerance and permission from the Holy See, and at the discretion of the Ordinary, certain signs, called rhythmic, have been added to these reproductions on occasion, and thus these reproductions have been published and sold to the public, nevertheless, it has been repeatedly observed that such signs vary and change somewhat from the traditional Vatican notations: and to remedy these abuses, the same Sacred Council deemed it advisable to issue another decree on February 14, 1906. However, since not all abuses have ceased, and others more recent have been added, either due to the title applied to the rhythmic Edition, or due to an incorrect interpretation of the decree...

[*Latin ed. p. 68*]

Acts of the Apostolic See. - Official Commentary. Given the existing errors, a new, authentic declaration was necessary, expressed through a letter from the Secretary of the Holy Roman Church dated May 2, 1906. This letter clearly indicated to printers who rightfully possessed the ability and license to reproduce the Vatican edition that this edition alone was approved and prescribed by the Apostolic See for the use of Gregorian chant, along with subsequent editions completely conforming to it; and that other so-called rhythmic editions, with the signs added, should only be tolerated; and that this meaning should be understood in the decree passed on February 14, 1906. Since this is the case, in order to remove existing abuses and prevent the spread of such errors, both those already mentioned and others that could easily arise, the same Holy Congregation wished to decree and declare more explicitly the following: I. The Vatican edition of the Gregorian liturgical books, as it was established by Apostolic Authority, with its tradi-

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tional notes and with the rules of the Roman Gradual prefixed, sufficiently and abundantly contains all that pertains to the correct execution of liturgical chant. II. Reproductions of the same typical edition, which bear added signs, called rhythmic editions, are improperly called rhythmic editions, and have not been approved, but only tolerated provisionally; and this tolerance, considering the circumstances, will no longer be permitted, except for editions already printed, namely the Gradual and the Office of the Dead, and therefore will not be extended either to editions with Gregorian notes or to transcriptions with the same notes of the Antiphonary and any other books containing liturgical chant, which, according to the Motu Proprio of April 25, 1904 and the Decrees of this Holy Congregation, must still be established and disseminated for the entire Church, and for individual Dioceses or Congregations. III. To the Ordinary authorities of places and to the Superiors of Orders or Congregations, it is permitted, within the limits of their own jurisdiction, to allow the editions provisionally tolerated by the Holy See; however, they themselves can and should prescribe the use of the approved edition and prohibit the use of others. Contrary provisions notwithstanding. January 25, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 69*]

Sacred Congregation of Rites. 69, Naples. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, CATHERINE VOLPICELLI, FOUNDRESS OF THE INSTITUTE OF HANDMAIDS OF THE HOLY HEART OF JESUS. Whereas the reputation of sanctity of the Servant of God, Catherine Volpicelli, Foundress of the Institute of Handmaids of the Holy Heart of Jesus, who, born in Naples on January 21, 1839, lived a most remarkable life and peacefully fell asleep in the Lord on December 28, 1894; and whereas, after a regular inquiry concerning such reputation was duly completed and transmitted to the Sacred Congregation of Rites, and all other customary procedures were followed, and at the urgent request of the Most Reverend Father Francis of Paul, of the Order of Theatines, General Prefect and Promoter of this Cause, and after considering the petitions of certain Eminences of the Holy Roman Church, and of many Holy Prelates, as well as of Superiors and Fathers of the Congregations of the Oratory, of the Most Holy Redeemer, and of Saint Paul, and also of noble men and women of the city of Naples; the following Cardinal, Prefect of the Sacred Congregation of Rites and Promoter or Relator of this Cause, after having proposed the following question for discussion at the ordinary meetings of the aforementioned Sacred Council, held on the date indicated at the Vatican: Whether a Commission for the Introduction of the Cause should be appointed in this case and for the purpose in question? And the Eminent and Most Reverend Fathers entrusted with the safeguarding of the sacred rites, after hearing

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the report of the aforementioned Promoter, and after hearing the Reverend Father Alexander Verde, of the Sacred Congregation of the Holy Office, both orally and in writing, and after carefully considering all matters, judged that it was necessary to petition that the Most Holy Father would deign to appoint the Commission. On December 20, 1910. Subsequently, these matters were reported to Our Most Holy Father, Pope Pius X, by the aforementioned Cardinal of the Holy Roman Church, Prefect, and His Holiness, approving the decree of the aforementioned Sacred Council, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servant of God, Catherine Volpicelli, Foundress of the Institute of Handmaids of the Holy Heart of Jesus, on January 11, 1911, with His own hand. Fr. S. CARD. MARTINELLI, Prefect. L. |$j S. Father Peter La Fontaine, Bishop of Charyste, Secretary. ACTA, vol. III, n. 2. - 15-2-1911. 5

[*Latin ed. p. 70*]

70 Acta, Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTAL TRIBUNAL. NULLITY OF MARRIAGE (LAPIRA-DARMANIN). Under the blessed reign of Pope Pius X, in the eighth year of his pontificate. On December 23, 1910. The Most Reverend Fathers, the Reverend Monsignors Michael Lega, Dean, Gustavus Persiani, Ponens, and Guilelmus Sebastianeiii, Auditors from Tournon, in the case of Melevitana - Nullity of Marriage - between Rogerium Lapira, represented by his legitimate procurator, Vincentium Sacconi, Advocate, and Mariam Carmelam Darmanin, having intervened and argued in the case as Defender of the Bond ex officio, rendered the following definitive judgment. In the year 1893, on May 16th, Rogerius Lapira and Maria Carmela Darmanin, of the Diocese of Melevitana, were married before the Reverend Father Calcedonio Buceja, S.J., a priest lawfully appointed as parish priest. However, scarcely three years after the beginning of their marriage, they entered into a separation agreement through the ministry of a public notary, and they bade each other farewell, never intending to return to the accustomed life of marriage. Although they lived apart for almost eleven or twelve years, neither ever doubted the validity of the marriage, as contracted above; but finally, a man skilled in Canon Law persuaded Rogerius that the marriage was not valid, due to a public scandal that arose from the betrothal that Rogerius had previously entered into with Lucia Darmanin, the sister of Maria Carmela. Therefore, before the Melevitan Court, a trial was instituted, and on July 27, 1907, the case was concluded with a judgment of September 9, 1908, which truly decreed the nullity of the marriage due to said impediment of public scandal. From this judgment, as was fitting, the Defender of the Bond of Melevitana appealed to the Holy See, to which the question is now presented: Does the nullity of the marriage exist in this case? Concerning the facts of the matter: Before Rogerius Lapira took Maria Carmela as his wife, he had

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already entered into discussions about marrying Lucia, his sister. This is established beyond doubt from the records. Indeed, both Rogerius and Lucia testify under oath that the betrothal between them had begun, and the witnesses also confirm this without exception.

[*Latin ed. p. 72*]

7. Acta Apostolicae Sedis. - Official Commentary. That both are not of the same nature, nor do they produce the same effects. And, after all things have been considered, the Reverend Fathers, Auditors, maintained that the contract was truly a valid betrothal, as understood by the parties. Regarding the law, it is admitted by all parties and witnesses, with unanimous affirmation, that betrothal was contracted. But those words must be understood with that meaning which is proper and commonly accepted in usage (from Leg. 7 ff. de Suppellectili legata; Cap. 7, de Spons.), from which one should not depart, unless it is manifest that the speaker intended something else (L. 67, pr. de Leg. 3.); for the words must serve the intention, and not the intention the words. Therefore, since all the witnesses, from their own knowledge, and even those who have been commended for their integrity, have spoken of the betrothal contracted in the matter, and it is not established that they intended anything other than what the words signify in common usage, they must be understood to have spoken of the true betrothal, which the word "betrothal" expresses. Indeed, if two witnesses, even if both are women, are sufficient for the proof of betrothal (Rota, Decis. 772, n. 2, p. II, Recent.), then, in the present case, since there are more witnesses who have testified to its existence, the Reverend Fathers rightly maintained that the true betrothal has been legally proven. Moreover, betrothal should not be confused with the simple desire for marriage, or even a promise, since betrothal, so called from "spondendo," or spontaneously promising (L. 2, ff. de Sponsal.), strictly speaking, signifies a contract regarding the subsequent marriage; and these are therefore "a mutual promise of future marriage"; and a promise is required in view of the reciprocal promise, and the reciprocal promise in view of the promise, without which neither betrothal is conceived, nor does an impediment arise to public decency. However, besides the parties, it is the established custom that all the witnesses have spoken not of a simple agreement for marriage, or a promise, but of a betrothal contract, or of true betrothals, which, among us and in the islands adjacent to Italy, is the practice of preceding betrothal with marriage, so that the necessary arrangements, which precede the marriage, may be legitimately and properly carried out between the betrothed. For since the betrothal contract is usually preceded by the marriage contract in Catholic families, and young people who are honest and of good morals do not usually bind themselves with a betrothal contract without the knowledge, and even the consent, of their parents, it follows that the faithful people clearly distinguish between

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the legitimate relationship between betrothed, or those bound by betrothal, which they praise and honor, and that familiarity which is held between those who are not betrothed, and which, as being improper, indeed most dangerous, they condemn and detest. And regarding this practical sense, even in the diocese of Melevitana, there are not lacking documents from the records of clara that attest to this. For indeed...

[*Latin ed. p. 74*]

74 Acta Apostolicae Sedis. - Official Commentary. Marriage, February 28, 1885. In like manner, marriages are presumed to be contracted by the giving and acceptance of a betrothal gift and other presents. See Decree 267, n. 12, p. 18, I; and Decree 772, n. 13, p. II; and Decree 621, p. 18, II. Recently, marriages have been truly proven to be established by the reciprocal exchange of gifts, and indeed, valuable ones: although small gifts would suffice, since in this matter, the quality of the gifts is not what matters, but rather the substance of the thing; provided that these gifts, or small gifts, are given under the name of betrothal gifts, and take on the nature of a pledge for the security and confirmation of the promise made. Indeed, marriages are also presumed to be contracted by the offering of a hand by one person and the acceptance of it without hesitation by the other (Ferraris, Bibliotheca Catholica, Jurisprudentia Sponsalium, n. 35-40 seq.; Gasparri, vol. I, n. 81). Truly, all of these things which indicate a marriage contract were verified in this case. There exists a letter in which Roger requested that Lucy be betrothed to him by her father, and there is no reason to doubt the truth of this, as Charles Darmanin asserted: "He had requested, by letter, the hand of his current wife's sister, Lucy by name," which was confirmed by two sworn witnesses, Joseph Galea: "I knew Mr. Charles Darmanin, who had received a letter from Rugger Lapira, in which he requested that he give him Lucy in marriage," and Joseph Cilia: "Mr. Charles tore a letter in front of me, which, as he told me at the time, contained the request that Mr. Lapira was making for the hand of his daughter, Lucy." Furthermore, Roger frequently visited Lucy's home; so that, as one member of the Darmanin family stated: "I admitted him to the house," and this was confirmed by other witnesses; "he was admitted to our house as Lucy's betrothed," said Francisca, the widow Consiglio: "After accompanying Lucy's remains, he said (to her mother): now that I have entered this family, I want to remain connected to it," said Francisca Xaveria, the widow Diacono: and many other witnesses corroborate this. Both were said to have behaved towards each other as betrothed. "When (Roger) was introduced into the house, I know that they used to go for walks together; Lapira had forbidden the bride from going out alone," reported Emilia Grugno; and they were treated by everyone as betrothed, as all the witnesses unanimously testify. Afterwards, congratulations were offered by the parents and friends of both, which both gladly accepted: "We congratulated them on their com-

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pleted betrothal, and they graciously accepted it," testified Emilia Cachia. Afterwards, preparations were made for the wedding, including necessary items: "We had already prepared the trousseau for the bride in anticipation of the marriage," reported Francisca, the widow Consiglio: but these marriages were not contracted for this reason alone, because Lucy was taken by death before the wedding could take place.

[*Latin ed. p. 75*]

St. Roman Code. 75. It is established that gifts were given and received, or betrothals, and that these were not lacking. "The groom made several gifts to the bride"; this same witness affirms; and Helen Calleja testified: "that Lucy had told her family to 'return, if he asked, the gifts that he had given to her.'" Indeed, there are also those who admit of a promise of marriage from one side, and a reaffirmation from the other: "I know that Lucy gave her word to Lapira for the future marriage, by her own hand; and that Lapira gave his word to Lucy, I know from his family, and also from my sister, who is related to them," as testified by Emilia Grugno; and this is confirmed by Lucy's father, who, in the name and with the consent of his daughter, promised Roger, who was offering marriage, a marriage by letter, verbally: "I expressly spoke to said daughter, who showed me and told me expressly that she wanted it. The words with which the betrothal was concluded were the verbal response given by me after having heard my daughter and in her name to the letter of which I have spoken above." Therefore, all of these things, especially if considered together, prove that a true betrothal existed in this case; which, moreover, has been legally proven by several witnesses, thereby excluding any suspicion of collusion, about which there is discussion in Chapter 5, on witnesses, and which *Vinculi Defensor* warns against. Nor does the different way in which these betrothals are described in the witnesses' testimonies present an obstacle. For if anything is found in the records that seems to contradict itself, either it is best reconciled with itself, or it is explained without prejudice to the betrothal. Roger does not contradict Charles; for both spoke of the betrothal, affirming the same thing, namely that the betrothal was contracted: if the one states the time for the celebration of the betrothal after the request, the other after the receipt of the letter, both are true; for the request made by Charles had an occasional cause from the letter of Roger, and therefore the celebration of the betrothal followed both. Roger is said to have been admitted to the Darmanin house, after the betrothal had begun, as Victoria Darmanin affirms that this happened after the consent had been obtained from his parents. But Roger stated that his admission to the house of Charles Darmanin was not immediate after the beginning of the betrothal: and therefore, nothing prevents it from being said that it happened after the consent had been obtained from Roger's parents; so that both preceded the betrothal. However, since the discrepancy in the witnesses' testimonies does not affect

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the substance, or the contract of the betrothal, in which they all agree, but only concerns mere accidental circumstances, nothing is inferred from this against the existence of a legally proven betrothal. Indeed, since we are dealing with a case of betrothals begun more than twenty years ago, the memory of the witnesses is...

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis. - Official Commentary. it was so important that nothing, however small, could be omitted from it; and therefore, it is not surprising that some discrepancy may appear among the witnesses regarding certain incidental circumstances. In this way, the discrepancy regarding the duration of the betrothal is also explained, which is stated differently by Roger and by Charles. For, since Charles, having reached the age of eighty years, should be presumed to have a happy memory, he may not be so sharp as to be able to certainly determine, after twenty-five years, the exact time during which the betrothal lasted, and in this matter he may not perfectly agree with Roger. Therefore, if any discrepancy exists in the testimonies, it should not be attributed to fault, but to a defect of memory after so much time has passed, so that the substance of the betrothal should not be impugned. Another difficulty arises from the notoriety of Roger's betrothal with Lucy, and from the announcements, or banns, preceding his marriage with Mary Carmela; for, given that notoriety, the Parish Priest, to whom the betrothal should not have been unknown, would have requested and obtained a dispensation from the impediment, which he neither requested nor obtained; and, given the banns, the faithful would have revealed the impediment, which they did not reveal: these two circumstances seem to exclude the existence of the betrothal. However, the Most Reverend Fathers observed that, with respect to the existence of the betrothal, which is positive, any exceptions derived from direct evidence in the testimonies of the witnesses do not invalidate the action of the Parish Priest and others, which is negative, and which can be explained and is explained by sufficiently probable reasons. For, who the Parish Priest was, with what moral and intellectual qualities he was endowed, and under what circumstances he was placed, does not appear from the records; so that, even if the dispensation was omitted, it must be attributed to unknown causes, even without the fault of the Parish Priest. Furthermore, the priest of Buceja, knowing of the betrothal, celebrated the marriage without even being concerned about a dispensation from the impediment; but the delegate of the Parish Priest, who was present only for the simple celebration of the marriage, had nothing to inquire about the formalities prescribed by law, which, as is customary, could all be presumed to have been duly fulfilled. If, although knowing of the betrothal, the faithful did not reveal the impediment after the public banns were announced, this should be attributed to their ignorance, for not all are presumed to be instructed to recognize a public impediment

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to marriage, and its legal nature, and the obligation to denounce it. Thus, the existence of the betrothal is established, and therefore, the validity of the same is wrongly impugned on account of a condition imposed and not fulfilled. Indeed, if any condition was imposed, since it was not imposed by the contracting parties, it did not suspend their consent, which was pure and simple, as all the witnesses affirm, and it immediately had its effect. It cannot be objected that the consent of the parents must at least be required by law for the validity of the betrothal.

[*Latin ed. p. 77*]

St. Boman Bota. For indeed, this was true according to the civil law of the Romans; however, in more recent times, it has been accepted that the consent of the children alone, and of the daughters, is sufficient for contracting betrothals; and this is taught in canonical legislation and by Doctors in general. But it is not entirely certain what condition was imposed by Charles; for his words: "I was very pleased, on the condition that the parents of him were pleased," signify satisfaction or approval – I was very pleased, if the consent of Roger's parents were also added. This was made clearer by the same Charles, who said: "I was pleased, if his parents were willing to give him the hand of Lucy." Furthermore, betrothals certainly cannot be invalidated by a condition that is itself uncertain. Finally, even if a condition is admitted, and that condition is accepted by the betrothed, the acts demonstrate that it was also fulfilled. The meaning of the condition, if the parents have consented, is presumed and is usually understood to be negative: unless the parents have dissented (Gasparri, II, n. 996; Sánchez, T. V, disp. VII, n. 11; Schmalz., lib. IV, tit. V, n. 50; D'Annibale, P. III, § 508, not. 32). However, there is no record of any dissent in the proceedings; and this is also confirmed by Roger's mother: "The reason why I was not brought before the house of Darmanin was that we were somewhat opposed to this marriage, always adhering to what our son wanted, negatively, without ever expressly and fully giving our consent, since he had never asked for it"; these words imply that Roger's parents, although they did not explicitly consent, did not dissent from the fact that their son would contract betrothals with Lucy. Moreover, Roger's parents, who at first appeared not to approve of their son's betrothals, later ratified them, as witnesses testify. "The parents of both parties were pleased with this marriage," said Francisca, a widow from Naila. And Francisca Xaveria, a widow from Culmore, testified: "There was no opposition from the parents... The parents of Lucy were very pleased; those of Lapira initially found some difficulty, but then they consented..." Thus, Joseph Galea testified: "In the name of Roger and in the interest of the Darmanins, I went to the father of Lapira to inform him that betrothals for a future marriage had been concluded between Roger, his son, and Lucy Darmanin; but with the condition that the parents of Lucy would first have the consent of the parents of the other party, and

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that therefore I was presenting myself in the name of them, and also of Roger, to ask if he had any objections, since everything was to be done with the consent of all. And the father replied: "I bless it, and I bless what he has done." Therefore, if a condition was truly imposed, it must be said to have been fulfilled; and the consent, in the hypothetical condition, became absolute, and the betrothals.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis. - Official Commentary. affirmed, from which arose an impediment to public propriety (L. 12, de Rit. Nupt., CA; de Sponsal., i n 6; Conc. Trid., XXIV, c.3 de Befor. matr.), notwithstanding which, the marriage between Rogerium and Mariam Carmela, connected to Luciae in the first degree of collateral line, could not be contracted. And since no dispensation was obtained regarding this impediment, as the records attest, it follows that said marriage, in fact contracted, suffers from nullity. Having considered all of the above, invoking the name of Christ, We, the undersigned Auditors sitting for the Tribunal, and with only God before our eyes, decree, declare, and definitively sentence that the marriage between Rogerium Lapira and Mariam Carmela Darmanin is null and void, and has always been so; or, responding to the proposed doubt, we answer affirmatively; accordingly, we confirm the appealed sentence, and we decree and declare it to be held as confirmed. Thus we pronounce, ordering the Ordinaries of the places and the Ministers of the Tribunals to whom it pertains, to enforce this our sentence, and against those who resist, according to the sacred Canons, and especially G. 3, Sess. XXV, de Reform. Conc. Trid., using the executive and coercive means that may be more suitable and effective for the circumstances. In Rome, in the Seat of the Tribunal of the Holy Roman Rota, on the 23rd of December, 1910. L. g* S. Michael Lega, Becanus. Gustavus Persiani, Ponens. Guilelmus Sebastianeiii. Sac. Tancredus Tani, Notarius.

[*Latin ed. p. 79*]

APOSTOLIC SIGNATURE. 79. APOSTOLIC SIGNATURE, i.e., of Naples. CONCERNING RESTORATION TO INTEGRITY AND RIGHTS. Between the Collegiate Church of Severiana, located in the Church of St. George Major, in Naples, represented by its legitimate procurator, Mr. Henry Benvignati, and the Congregation of the Pious Workers, represented by its legitimate procurator, Mr. Aloysius Lavitrano. As early as the middle of the fourth century, together with the erection of the Church of St. George, a College of Priests, called Severiana, was established in Naples, founded by St. Severus, the Archbishop of Naples, and also known as the "Hebdomadariorum" (those who served weekly). This College, consisting of an Abbot, a Primicerius, and twelve Hebdomadari, held full dominion and use of said Church until the beginning of the

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seventeenth century, together with the administration of the parish, with one of the Hebdomadari being assigned to the actual care of souls. However, at the beginning of the aforementioned seventeenth century, a new Congregation, namely, the Congregation for Christian Doctrine, or the Pious Workers, then established by the Venerable Charles Carafa, obtained, by the Bull "Ex debito" of June 7, 1618, that certain priests and clerics of the same Congregation should "reside near the same Church of St. George, and celebrate Masses and other divine services therein, teach Christian doctrine, and administer the sacraments of penance." Later, due to the necessity of restoring the aforementioned Church, the Pious Workers seized the opportunity to obtain perpetual use of the same Church, promising that they were prepared to complete the restoration if said use were granted to them, which indeed happened, through an agreement whereby both the Abbot and the Hebdomadari, at the very act of cession, reserved certain rights or privileges for themselves. Three years later, when the College of the Hebdomadari was failing to obtain the desired results, the aforementioned Pious Workers, supported by the authority and patronage of Cardinal Decius Carafa, Archbishop of the Neapolitan Church, obtained and secured from Gregory XV the Apostolic Letters "Pastoralis officii" dated October 26, 1621, by which the exercise of the care of souls was transferred from the Collegiate Church of Severiana to the Congregation of the Pious Workers.

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis. - Official Commentary. Such a translation was nevertheless granted by the Apostolic See under several conditions, preserving the rights of the Hebdomadariorum College, and with a resolutive clause, whereby the exercise of pastoral care would revert to the same Hebdomadarians in two cases: 1.° if the Presbyters of said Congregation should appoint someone external or other than from their own Congregation, to exercise pastoral care within the same parish church; 2.° if their Congregation should ever be extinguished or suppressed (otherwise expressed). Finally, a third agreement followed in the year 1646, between Francis Perrone, Abbot of the Collegiate Church, and the Pii Operarii, by which certain matters concerning the previously reserved rights were renewed. This agreement was ratified and confirmed in the following year, 1647, by Innocent X with his authority. However, despite the aforementioned agreements, disputes arose between the Hebdomadarians and the Pii Operarii; indeed, the very question of the validity of the cession was raised before the Sacred Congregation of Bishops and Regulars, to which an end was put in the year 1704 by the sentence of the same Sacred Congregation: "Nothing concerning reintegration." But the situation worsened entirely for the Hebdomadarians, when, due to laws undermining ecclesiastical property, acts were carried out in the years 1861 and 1867 concern-

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ing the assets belonging to the Severian Collegiate Church; especially in the year 1877, with the promulgation of the indiscriminate suppression of all Collegiate Churches, even those that had pastoral care, except for one benefice for the cura, or one quota for the cura, appropriate for the parish. Then the Pii Operarii insisted with both the Hebdomadarians and the Archbishop of Naples, that the Collegiate Church should declare itself entirely without pastoral care before the civil government; and they are said to have promised to compensate the Hebdomadarians for the damages they would suffer from this unjust law of suppression. The Hebdomadarians, at the urging of the Pii Operarii, and at the command of the Neapolitan Curia, agreed; and thus it came to pass that the Pii Operarii were able to fully enjoy the parish endowment, since the Severian College ceased to exist with all its revenues, being entirely *privatum*. But the Pii Operarii did not keep the promises they had made, and therefore, in the year 1880, the Hebdomadarians appealed to the Sacred Council, although without a favorable outcome. Relying on this favorable judgment, the Pii Operarii considered the Hebdomadarians to have lost all their rights. Therefore, a few years ago, the Most Eminent Cardinal Prisco, Archbishop of Naples, established eight other benefices in the Severian Collegiate Church, and obtained from the Supreme Pontiff Pius X, through Apostolic Letters in the form of a Brief, dated April 9, 1906, that the Severian Canons should be declared Hebdomadarii, and that they should be granted

[*Latin ed. p. 81*]

The Apostolic Signature. The canons of the Collegiate Church of Severiana had progressed to such a point that they believed they could prevent the canons of other Collegiate Churches in the Archdiocese of Naples from using the insignia they had recently obtained in the Church of St. George, and they were invested with these insignia and received into the possession of the canonry with the solemnities that are usually observed in the Neapolitan Court. Consequently, the Collegiate Church of Severiana was temporarily transferred to the Church of St. Mary of the Faith, while the rights of both parties remained intact. When the canons of Severiana determined to validly defend this, they interposed a new appeal before the Sacred Congregation of Councils against all that had been done against them by the Pii Operarii, and they also requested that all their rights and privileges be recognized by the authority of the Apostolic Letters. And when they found new documents that "spoke" for them, they also requested that the benefit of full restitution be granted to them against the previous judgment of the Sacred Congregation of Councils of August 6, 1881, with respect to only one part of that judgment, which concerned the compensation for damages. Therefore, the question was proposed to the Sacred Congregation of Councils in plenary sessions on June 27, 1908; but the Sacred Congregation replied: "Deferred." In the meantime, since

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the canons of Severiana had intended to more vigorously promote their case before the same Sacred Congregation, so that this matter might be completely resolved, the Constitution "Sapienti Consilio" for the Reform of the Roman Curia was issued, and by order of the Most Holy, the case itself was brought before the Supreme Apostolic Tribunal "with all the necessary and appropriate means, so that it may consider both the requested full restitution and, if necessary, the merits of the case." Therefore, the case was thoroughly examined in the ordinary session of the Supreme Tribunal held in the buildings of the Vatican on the third day of December 1910, with the Reverend Father D. Sebastian Cardinal Martinelli as the relator, and the doubts previously agreed upon by the parties were proposed, namely: 1. Whether there are grounds for the restitution in full to the canons of the Collegiate Church of Severiana, with respect to the compensation for damages, against the judgment of August 6, 1881, in this case? 2. Whether and to what extent such compensation is due in this case? 3. Whether the hebdomadarius, now the canons of the Collegiate Church of St. George Major, or Severiana, has the right to take possession of the same Church of St. George, of the canonries to which they have been elected, with all the solemnities prescribed by $\text{law, or those customary or traditional in the Archdiocese of Naples, and to use the same Church, or to be in possession of it.}$

[*Latin ed. p. 82*]

8. Acta Apostolicae Sedis. - Commentarium Officiale. concerning those who hold positions, whether in the clergy, or in other ecclesiastical functions, with insignia, by which they were recently adorned through Apostolic Letters in the form of a Brief, dated April 9, 1906, in case? 4. Do the rights of the Abbot and Canons of Severiano still hold, as reserved in the Apostolic Bulls "Ex debito" of Paul V, and "Pastoralis Officii" of Gregory XV, in case? The Most Eminent Judges responded: To question 1. No, and furthermore. To question 2. Provision is made for the payment of Italian currency (Lire italiane 2000) starting from the year 1911, and furthermore. To question 3. As long as the Canons of Severiano remain in the Church of St. Mary of Faith, according to the Brief of Pope Pius X, dated April 9, 1906, they shall enjoy the rights about which discussion is made, in that same Church; and furthermore. To question 4. The "Coat of Arms" is granted for the entrance of the Church of St. George Major, and the Abbot or the Primicerius of the Canons is granted the faculty of celebrating Mass privately, without singing and without the attendance of the aforementioned Canons, on the feast day of St. Severus. Regarding the judicial expenses, the Supreme Tribunal decreed that they should be shared between the parties. And thus it was published, pronounced, decreed, declared, and definitively judged; and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it applies, not only etc., but also by

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all, etc. Given in Rome, from the offices of the Supreme Tribunal, on the twenty-third day of December, in the year nineteen hundred and ten. L. £B S. Nicolaus Marini, from the Secretariat of the Most Holy See. So it is. Joseph Adv. Fornari, S. T. A. At the Supreme Apostolic Tribunal, several "reserved" cases were also heard in the year 1910, of which the definitive judgment was as follows: I. NICOLAE. - Nullity of marriage - (From the Commission of the Most Holy). The question proposed: Does the nullity of the marriage exist in this case? The Most Eminent Judges, with the relator, Most Reverend Father Peter Cardinal Gasparri, on June 18, responded: Having considered all things, the nullity of the marriage is established.

[*Latin ed. p. 83*]

Secretariat of State. II. ROME. - Nullity of marriage. The following questions were proposed: 1.° Does a Royal sentence have any validity, and is its jurisdiction limited? And, if the answer is negative: 2.° Is there a place for restitution in full in such a case? The Most Eminent Judges, with the report of His Eminence, Cardinal Peter Gasparri, on December 3rd, responded: To the first question: It does not appear that a Royal sentence is subject to nullity. - To the second question: Affirmative, as far as that part of the sentence which concerns the imposition of a condition. Rome, from the Chancery of the Supreme Apostolic Tribunal of the Signature, on January 27, 1911. Joseph Adv. Fornari, S. T. A.

LETTERS TO THE MOST REVEREND CALLIXTUS GONZALES AND ALOYSIUS ANICETUM OCHOA, MODERATORS OF THE FRATERNITY OF THE THIRD ORDER OF ST. FRANCIS, ESTABLISHED IN THE CITY OF ST. JAMES OF VENEZUELA, WRITTEN WITH PROFOUND RESPECT, ON THE SEVENTH ANNIVERSARY OF THE FOUNDATION OF THE AFORESAID FRATERNITY, ADDRESSED TO THE MOST BLESSED FATHER.

It was a great joy to the Most Blessed Father that you, all of you who bear the name of the Third Order of St. Francis, on the seventh anniversary of the founding of the pious fraternity which you diligently cultivate, should bring to his mind the common endeavors of your fraternity. Indeed, this act of piety is worthy of praise not only because it reminds us of your close relationship with the Apostolic See, filled with obedience, but also because it openly demonstrates the most beloved bond of fraternal charity that unites you to one another. This is fitting for those who are of one and the same religious family, and who glory in having St. Francis, the most beloved of charity and an excellent preacher, as their father. His Holiness congratulates you on both these merits, since nothing is more pleasing to him than to see his children closely united with him and with one another.

[*Latin ed. p. 84*]

84 Acta Apostolicae Sedis. - Official Commentary. To strengthen this

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bond of love, and that the spiritual benefits of life may more abundantly flow each day, the Most Blessed Father, as a witness to His benevolence and as a dispenser of heavenly graces, impartially grants to you all and to your families the Apostolic Blessing in the Lord. Taking this opportunity, I again testify to my esteem for you, and I declare this on December 19, 1910. Most devotedly, L. S. R. CARD. MERRY DEL VAL. II. TO THE MOST REVEREND FATHER JOHN SOLDEVILLA Y ROMERO, ARCHBISHOP OF CAESAREAUGUSTANUM, WHO REVERENTLY PRESENTED TO HIS HOLINESS A COPY OF THE ACTS OF THE COUNCIL OF CAESAREAUGUSTA, TOGETHER WITH THE PETITION. Know that it has pleased the Most Blessed Father that a copy of the Acts of the Council of Caesaraugusta, celebrated two years ago under your guidance and auspices, be presented. For the laws and salutary admonitions contained therein not only testify to the zeal and piety of yourself and the other prelates who participated in the Council, but also promise abundant fruits of eternal life. Indeed, nothing is lacking therein that could contribute to the splendor of divine worship, to the strengthening of the discipline of the clergy, or to the promotion of Christian virtues in the cities. Therefore, it remains only that all, both clergy and laity, who hear these things, may most religiously observe the laws, which are solely intended to lead them to the attainment of eternal salvation. Furthermore, His Holiness earnestly prays to God that He may grant this, for nothing is more pleasing to Him than to see His children walking in truth. But since it is well known that the example of the clergy has great power, both for edification and for destruction, His Holiness urges them, above all, to remember their duty, and to begin and teach the conciliar laws diligently. Thus, each one of them will please his neighbor for the good, and will more easily attract him to those virtues by which he has pleased him by his example. Let the studies of the clergy not be lacking, for the Sacred Prelates must have the first place in building up the house of God. For they, by watching over, exhorting, and admonishing, must have due care for the Church entrusted to them, a care that is perfectly in harmony with the pastoral office they have accepted and with the expectations of him who has appointed them as bishops. Consider these words of the Pope as addressed to you, and to all the prelates and clergy of the province of Caesaraugusta; to whom

[*Latin ed. p. 85*]

To the Secretariat of State. To all, and to you in particular, to whom this praised volume and the foundation of Peter are a source of remembrance and gratitude, the Most Blessed Father implores the aid of divine grace and lovingly blesses you. And I, in turn, gladly offer my thanks to you, who presented me with another copy of the same volume, generously given, and to whom I, in proportion to my gratitude, profess my esteem to Your Eminence. December 19, 1910. Most devotedly, L. S. R. CARD.

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MERRY DEL VAL. III. TO THE DISTINGUISHED GENTLEMEN, COUNT CH. DE HEMRICOURT DE GRUNNE, IMPERIAL MARQUIS, BARON DE DIEUDONNÉ DE CORBEEK-OVER-LOO, FOR THE VOLUME ENTITLED "TWENTY-FIVE YEARS OF GOVERNMENT: THE BELGIAN CATHOLIC PARTY AND ITS WORK," PRESENTED TO THE MOST BLESSED FATHER AS A MARK OF DEVOTION. The Holy Father received with particular satisfaction the splendid volume which you presented to Him, and which is entitled: "Twenty-Five Years of Government: The Belgian Catholic Party and its Work." This work deserves not only to be called a beautiful book, whether by the importance of the documents brought to light, or for the perfection of the language and the care given to the edition; but by the just testimony it renders to the leaders and supporters of the Belgian Catholic Government, it constitutes a work of the highest religious and moral interest, destined to preserve for future generations examples that are effective and worthy of admiration. The very valiant men whose work you depict have, with one hand, held the sword against those who despise the truth and true civilization, and with the other, they have worked, with tireless constancy, for the building up of the city. It was fitting that the piety of their fellow citizens and their emulators should grant them, even now, the tribute due to good men. The Holy Father is pleased to join in this tribute and to accompany this work of justice with His most sincere wishes. Among the many objects to which, during this period of twenty-five years, the Belgian Catholic Government has directed its attention and its efforts, the Supreme Pontiff was particularly pleased to note the material and moral improvement in the condition of the working class.

[*Latin ed. p. 86*]

Acta Apostolicae Sedis. - Official Commentary. 86 zealous, this noble cause to which the Popes have always shown the greatest interest. It is with a special joy that His Holiness has read the results of your ardent labors, in the important field of primary, secondary, and higher education, results manifested by the development of the University of Louvain, which in recent years has raised the brilliance of its scientific work so high. The root cause of such successes must be placed in the selfless zeal with which, during this brilliant period of your national life, the Kingdom of God and its justice have been sought among you; in consideration of which, God has, without doubt, been pleased to grant you, in addition, prosperity and glory: "Justice exalts a nation; but sin is the ruin of the people," say our Holy Scriptures. This great lesson that history gives to peoples every day, you have understood and profited from. This will be your honor, and the Supreme Pontiff makes wishes that this may be your safeguard in the future. You were particularly qualified, most honored gentlemen, to erect this monument to the glory of the Catholic Government of Belgium. The Holy

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Father congratulates you on having fully succeeded in this, and with all his heart grants you the Apostolic Blessing. I, for my part, thank you warmly for the volume that you have kindly offered me, and I ask you to accept the assurance of my most distinguished sentiments. December 24, 1910. R. CARD. MERRY DEL VAL. L. >R S. IV. TO THE MOST REVEREND FATHER JOHN BAPTIST CASTRO, ARCHBISHOP OF CARACAS, AS A TESTIMONY OF SINGULAR PIETY AND DEVOTION, AND ALSO IN THE NAME OF THE OTHER BISHOPS OF THE VENEZUELAN PROVINCE, PRESENTED BY LETTER TO THE MOST BLESSED FATHER. The Most Blessed Father recently received from you a letter very similar to your own, full, indeed, of the highest duties of kinship, and breathing of your ancient piety, from the beginning to the very last words of prayer. You have expressed your gratitude for the meaning you have given to this piety, and you complain, in the name of yourself and the other Bishops of the Venezuelan province, of the injuries which, since last September, a certain enemy has dared to inflict upon the Catholics and the holy things of that province; and, as if to add to the affliction, the Pontifex...

[*Latin ed. p. 87*]

Secretariat of the State. 87. The craftsmen, illuminated by the very light of the City, and while the day was being celebrated on which the Vicar of Christ, having been unjustly and illegitimately stripped of his authority, was remembered. These things are indeed sad to recall and full of grief; but they were very pleasing to the Most Blessed Father who urged you to write, and who suggested words to you worthy of your piety and most suitable for consolation. His Holiness gladly accepts the outpouring of your charity and the services of your brothers; and in return, as a sign of paternal affection, He grants you and all of you, and also to each of your clergy and people, the Apostolic Blessing, which brings together heavenly gifts. I have seized this opportunity to once again testify to my esteem for you, and to offer myself to your Eminence. January 10, 1911. Most devotedly, L. S. R. CARD. MERRY DEL VAL. To His Eminence, Cardinal Kopf, Bishop of Breslau, concerning the declaration issued by the faculty of sacred disciplines at the civil university of Breslau regarding the oath against the errors of the Modernists. My Lord, I received the letters of Your Eminence, dated the 6th of this month, which the Most Blessed Father read with due consideration. You stated that the faculty of sacred disciplines at the civil university of Breslau unanimously professed an "oath against the Modernists," and that it contained nothing that could "change or exceed the old rule of faith which they have always observed, nor impose a new obligation," nor oppose "fidelity to civil authority," nor hinder "the progress of studies," and that you had requested that they offer this as a testimony of their devotion to the Supreme Pontiff. Therefore, His Holiness, accepting these sentiments with paternal benevolence, although He cannot rejoice

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greatly that the oath is not given by all men of the sacred order throughout the nations, nevertheless He considers those priests from the University of Breslau to be blameless who, merely performing the duty of professors, may perhaps abstain from it. They are using the benevolent interpretation of the law revealed by the Most Blessed Father himself, and therefore, as it were, by right; nor do they present themselves in such a way.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis. - Commentarium Officiale. They demonstrate that they are most willing to obey, and that they do not miserably serve the judgments of men, but rather, with the broadest profession, they have made their correct opinion on this matter clear; and that none of them, as Your Eminence testifies, if the Supreme Pastor of the Church had not granted them the grace of taking an oath, would have hesitated to obey the mandates of the pontiff with a manly spirit. This most excellent sign of faith and of union with the Apostolic See has pleased Your Holiness, and the Most Blessed Father does not doubt that the faith of those doctors will never fail. While I announce this to you, I gladly testify to you of the particular feelings of my devotion, and I humbly kiss your hand. To Your Eminence, in Rome, on the 10th of February, 1911. Your most humble and devoted servant, R. CARD. MERRY DEL VAL. DIARY OF THE ROMAN CURIA, NEW MEETING - PREPARATORY, On the 7th of February, in the Apostolic Palace of the Vatican, the New-Preparatory Congregation of the Sacred Rites took place, to discuss the doubt concerning the heroic degree of the virtues of the Venerable Servant of God, Maddalena, Marchioness of Canossa, Foundress of the Institute of the Daughters of Charity. NOMINATION: On January 13th, 1911: The Holy Father, with His own hand, deigned to appoint His Eminence, the Most Reverend Cardinal Merry del Val, His Secretary of State, as Protector of the Congregation of the Sisters of Charity in Canada, known as the "Sœurs Grises." SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: His Holiness has deigned to appoint, by Brief: Assistants to the Holy See: On February 7th, 1911. — Mons. Tommaso Carr, Archbishop of Melbourne (Australia). — Mons. Giacomo Corbett, Bishop of Sale (Australia).

[*Latin ed. p. 89*]

Diary of the Roman Curia. 89 SECRETARY OF STATE. By the grace of Our Lord, the Holy See, through a letter and a Brief from the Secretary of State, has deigned to appoint:

Assistants to the Papal Throne:

December 6, 1910. — Monsignor Pietro Berruti, Bishop of Vigevano.

December 12. — Monsignor Giuseppe Capecci, Bishop of Alessandria.

December 14. — Monsignor Sebastiano Pifferi, Archbishop of La Paz in Bolivia.

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Apostolic Protonotaries, as if participating:

December 7, 1910. — Monsignor Francesco Popolo, parish priest of Santa Maria sopra Rotonda in Naples.

Domestic Prelates of His Holiness:

December 14, 1910. — The Reverend Gioachino Mamedi da Silva Leiti, General Vicar of Pouso Alegre.

January 4, 1911. — The Reverend Augusto La veille, General Vicar of the diocese of Meaux.

January 5. — The Reverend Domenico Spolverini, Rector of the Pontifical Roman Seminary.

January 12. — The Reverend Alessandro Kakowski, Canon of Warsaw and Rector of the Ecclesiastical Academy of St. Petersburg.

January 16. — The Reverend Michele Ghali, Coptic Catholic Priest.

January 18. — The Reverend Giovanni A. Lyons, General Vicar of the diocese of Wilmington in the United States of America.

January 19. — The Reverend Adriano Lestelle, General Vicar of the diocese of Tarbes.

January 24. — The Reverend Felice C. Duffy, retired parish priest in the diocese of Peoria.

January. — The Reverend Lazzaro Garnier, Canon of the Cathedral and first General Vicar of the diocese of Nevers.

January. — The Reverend Carlo Billebault, Canon of the Cathedral and second General Vicar of the diocese of Nevers.

January 26. — The Reverend Vincenzo Celli, Secretary of the Administration and Director of the works of Pompeii.

January. — The Reverend Olegario Hernández, of the diocese of St. James of the Foreign Missions.

[*Latin ed. p. 90*]

90 Acta Apostolicae Sedis, - Official Commentary. His Holiness, through a note from the Secretariat of State, deigned to appoint: January 20, 1911 — His Eminence, the Most Reverend Cardinal Sebastian Martinelli, Protector of the Sisters of Our Lady of the Missions of Lyons. January 26. — His Eminence, the Most Reverend Cardinal Francesco Salesio della Volpe, Prefect of the Holy Congregation of the Index. February 5. — The Most Reverend Cardinal Gaetano De Lai, Protector of the Grand Confraternity of the Holy Stigmata of Saint Francis in Rome. January 14. — Monsignor Michele Lega, Dean of the Holy Roman Rota, Consultor of the Holy Congregation of the Holy Office. — The Reverend Father Benedetto Ojetti, S.J., Consultor of the Holy Consistorial Congregation. February 2. — The Illustrious and Most Reverend Monsignor Alessandro Bavona, titular Archbishop of Farsaglia, currently Apostolic Nuncio to Brazil, Apostolic Nuncio to Austria-Hungary.

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HONORS His Holiness, through a note and a Brief from the Secretariat of State, deigned to bestow the following honors: The Grand Cross of the Order of Pius IX: January 25, 1911. — To the Right Honorable Count Nicolò Szécsen de Temerin, formerly Ambassador of Austria-Hungary to the Holy See, appointed by his Imperial and Royal Government as Ambassador to France. The Commander's Cross of the Order of Saint Gregory the Great, with Plaque: January 19, 1911. — To the Right Honorable Signor Giovanni Battista Alessandro Maria Leone Michele Barone de Tretaigne, of Paris. The Commander's Cross of the Order of Saint Gregory the Great, civil class: December 22, 1910. — To the Right Honorable Count Emerico Somssich de Sàrd, of the diocese of Veszprém. December 29. — To the Right Honorable Chevalier Gustavo Schildkneeht, of Malines. — To the Right Honorable Signor Filippo Dengel, Professor at the University of Freiburg (Switzerland). January 7, 1911. — To the Right Honorable Signor Ugo Dorsemagen, of the diocese of Münster. The Knight's Cross of the Order of Saint Gregory the Great, civil class: December 14, 1910. — To the Right Honorable Signor Avvocato Pietro Benoni Goujou, of Montniédi.

[*Latin ed. p. 91*]

Diary of the Roman Curia. 91, January 7, 1911. — To Mr. Giulio van Ackere, Burgomaster of the city of Wevelghem in the diocese of Bruges. January 12. — To Mr. Stefano Salmón, President of the Catholic Committee of Wattrelos in the archdiocese of Cambrai. — To Mr. Bernardo Hannigan, President of the Society of St. Vincent de Paul in Londonderry. January 21. — To Mr. Stefano Faulquier, Mayor of Cervoh, in the diocese of Nevers. The Knighthood of the Order of St. Sylvester the Pope: January 9, 1911. — To Mr. Francesco Hébrard, Professor of Law at the Catholic Institute of Paris. January 10. — To Mr. Engineer Saverio Lauras, of the archdiocese of Paris. NOTICE. (From the *Osservatore Romano* of December 11, 1910). For several years, a periodical entitled *Annales mensuelles des Croisés de Marie et des Apôtres des derniers temps* has appeared in Limoges (France), through the work of the Reverend Ernesto Rigaud, without the permission of the diocesan authority, as prescribed by the Apostolic Constitution *Officiorum ac munerum*. In this publication, without regard for the reservations imposed by Urban VIII, supposed miracles and prophecies are reported in a manner that is exceedingly incorrect and offensive to high ecclesiastical dignitaries. The faithful are warned regarding such a periodical, and are earnestly exhorted to abstain from reading it and from promoting it in any way. BY THE GRACE OF HIS HOLINESS. His Holiness, through a letter from His Excellency, Monsignor Maggiordomo, has deigned to appoint: Honorary Secretary of Sword and Cape: January

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12, 1911. — Mr. Count Felice Grabowski, of the archdiocese of Varsavia.

[*Latin ed. p. 92*]

92 Acta Apostolicae Sedis. - Official Commentary. Necrology, January 1911. — Mons. Giovanni Giuseppe Antonio Eguiguren, Bishop of Loja (Ecuador). — Mons. Alfredo Williez, Bishop of Arras, Boulogne, and Saint Omer. February 1911. — Mons. Pasquale Guerini, Titular Archbishop of Melitene. — Mons. Patrizio Giovanni Ryan, Archbishop of Philadelphia in the United States of America. — Mons. Giuseppe Colgan, Archbishop of Madras, Metropolitan of Hindustan. — Mons. Antonio Feruglio, Retired Bishop of Vicenza. — Mons. Tommaso Bonacum, Bishop of Lincoln, in the United States of America. CORRIGENDA: In volume 1, page 27, line %, in the section concerning "MOHILOVIEN, PRESUMPTION OF THE WIFE'S DEATH," after the words "who were then by the Japanese," the following words should be added: "without any care for the names of the slain, they were buried indiscriminately."

[*Latin ed. p. 93*]

Year III. - No. III. March 15, 1911. OFFICIAL COMMENTARY OF THE APOSTOLIC SEE. ACTS.

LETTERS.

PIUS PP. X.

TO THE ARCHISODALITY OF PERPETUAL ADORATION ERECTED IN THE ABBEY CHURCH OF LABACENSI, FACULTY IS GRANTED TO PERMANENTLY ADD OTHER SODALITIES OF THE SAME INSTITUTE AND NAME THROUGHOUT THE NATIONS.

PIUS PP. X.

For the perpetual memory of this matter.

It has been brought to our attention by the Supreme Moderator of the Archisodalitiy of Perpetual Adoration, this work of piety and charity, which, at the request of the Venerable Servant of God, Francis Joseph Rudigier, Bishop of Linciensis, was established by our blessed predecessor, Pope Pius IX, since the year 1877, under the patronage of St. Benedict, in the Abbey Church of LABACENSI, through similar Apostolic Letters, and which seeks to aid souls detained in the fire of Purgatory, and which now, through the same Letters, possesses the faculty of adding other sodalities of the same name within the Austro-Hungarian Empire, whether already established or to be established. Furthermore, since such associations have arisen even outside the aforementioned Empire, the same Moderator has earnestly requested that we enrich the Archisodalitiy itself with a new privilege, so that it may add to itself institutions of this kind, wherever

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they exist throughout the world.

Yielding to these requests, and confident in the mercy of Almighty God and in the authority of the Apostles SS. Peter and Paul, we hereby, by the tenor of the present document, grant to the aforementioned Archisodalitiy, to its present and future officials and members, perpetual power, by virtue of which any sodalities of the same name and institute, throughout the nations, either already established or to be established in the future, with the consent of the respective ordinary, may be added to it, provided that the form of the Constitution of the blessed Pope Clement VIII is observed.

[*Latin ed. p. 94*]

94. Acta Apostolicae Sedis. - Official Commentary. Our brothers, and other Apostolic orders concerning this matter, may lawfully aggregate, and with them communicate all and each indulgences, remissions of sins, and relaxations of penances granted by this Holy See to the aforementioned Archsodality, and those which may be granted to others. We decree that these Our Letters shall always exist and be valid and efficacious, and shall fully and completely produce their effects, and shall fully support those to whom they pertain, now and in the future, in all things and through all things, and that, accordingly, the aforementioned matters must be judged and decided by any ordinary or delegated judge, and shall be considered null and void if, by anyone, knowingly or unknowingly, through any authority, anything should happen contrary to these things. Notwithstanding any Apostolic constitutions and ordinances, even those deserving of special and individual mention and derogation, and all other things to which the contrary may be done. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the ninth day of March, 1910, in the seventh year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretary of State.

II. THE ERECTION OF THE APOSTOLIC VICARIATE OF ERYTHRAEA.

PIUS PP. X. For the sake of future remembrance.

The care of all churches has been divinely entrusted to Us; therefore, it is especially necessary that, when in some region the number of the faithful and the clergy have increased, and when good works flourish daily in that region, We raise that region to a higher degree of dignity, so that the eternal salvation of its inhabitants may be more easily promoted. We have received this progress with a joyful heart in the Prefecture of Erythraea, already demanded by the prudence and labors of the Brothers of the Order of the Capuchins. And when the Supreme Minister of that Order, together with his Definitorium, presented to Us a successor, namely Father Michael of Carbonara, who had deserved well of that Mission, and explained that,

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in their opinion, it was not only opportune, but also necessary, to erect the aforementioned Prefecture into an Apostolic Vicariate; We, with the advice of Our Most Holy Fathers and Brothers, Cardinals, entrusted with propagating the Holy Christian name for the affairs of the Eastern rite, considered it necessary to comply with such wishes. We have come to this decision, having before Our eyes both the immense extent of the territory, in which there are many churches, stations, a seminary, and schools for boys and girls of both sexes, and also the aforementioned reasons.

[*Latin ed. p. 95*]

The Acts of Pope Pius X, page 95, speak of the great number of people and priests who, with utmost eagerness, dedicate themselves to his spiritual well-being. For there, Catholics alone have already reached more than sixteen thousand, and, in addition to the aforementioned Apostolic Missionaries of the Order of Friars Capuchin, who toil and labor there in the Lord's vineyard, secular priests of the Oriental or Abyssinian rite also cooperate with them, their number currently exceeding fifty. Furthermore, nuns from the Congregation of Saint Anne dedicate themselves entirely to the education of young girls and to works of charity. Given all of this, embracing with particular benevolence all those to whom these Letters are addressed, by Our own motion and with certain knowledge and mature deliberation, exercising the fullness of Our Apostolic authority, We erect and establish the Apostolic Prefecture of Erythrea into an Apostolic Vicariate of the same name, with all rights, honors, privileges, and indulgences pertaining to such Apostolic Vicariates. We decree that these Letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and that they shall fully assist those to whom they apply or may apply, in all things and through all things; and that, accordingly, the foregoing shall be judged and determined by any ordinary or delegated judge, and shall be void and null if anyone, with any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding Our own and the Apostolic Chancery's rule regarding the non-abrogation of acquired rights, and other Apostolic Constitutions and Decrees, even those worthy of special and individual mention and derogation, to the contrary. Given at Rome, near Saint Peter, under the Fisherman's ring, on the 7th of February, 1911, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, L. ££j S. a Secretis Status. III. SPECIAL GRANTS FOR VOTIVE MASSES CELEBRATED IN THE PATRIARCHAL BASILICA OF SAINT MARY OF THE ANGELS IN PORTIUNCULA. PIUS PP. X. For the perpetual memory of this matter. — The illustrious Patriarchal Basilica of Saint Mary of the Angels in PORTIUNCULA, mother and foundation of the Order of Friars Minor, was also the parent and sustainer of the second Order of Minorites. For among the praises offered to this sanctuary,

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throughout Christendom...

[*Latin ed. p. 96*]

96 Acta Apostolicae Sedis. - Official Commentary. The place, commended throughout the world, is ennobled by right and by merit; and it is especially worthy of note that this very place was chosen by the pious Virgin of Assisi, Clara, in which she dedicated herself entirely to God, receiving from the very Founder, Francis, the simple tunic of the Seraphic Order. The historians of the Franciscan Order relate that on the night preceding the nineteenth day of March in the year 1212, the Virgin Clara, rejecting all worldly vanities and fleeting pleasures, was married eternally to the divine Bridegroom before the altar. Indeed, it is said that this noble maiden, having abandoned her home, her city, and her relatives, hastened to the church of Santa Maria in Portiuncula; and that she was received by the brothers who were keeping watch before the Holy Altar, with lamps lit, and that soon, after her hair had been cut, and after she had cast aside the rich ornaments with which she was clothed, she presented to the world, in the hands of Saint Francis, a renunciation of the world. Thus, the writers testify, the Franciscan institute for women also arose in the same sanctuary, in which Francis had laid the foundations of his own Order, so that it is clearly evident that both religious families originated from a single source, namely, from the womb of the Virgin Mary. It does not seem superfluous to us to recall here the pious tradition concerning this event, which the same writers of Franciscan history relate occurred during the winter of the years 1219-1220. We read in their accounts that Father Francis, having given his blessing to the Holy Virgin Clara, invited her to Santa Maria degli Angeli. She then revisited, with heavenly joy, the place where she had been tonsured, and where she had first dedicated herself to the Divine Bridegroom, many years later. After first paying humble homage to the Queen of Angels, Francis, as was his custom, reclined at a humble table prepared on the floor, with Clara and her companions. And as soon as the first dish was brought, Father Francis began to speak so sweetly, so eloquently, and so holily of God, that he, Clara, and all those present were transported into ecstasy; and as they were rapt in God, with their eyes and hands raised to Heaven, the citizens of Assisi and the neighboring towns of Bettona saw everything burning, and the monastery itself, and the Holy Church, and the forests surrounding them, engulfed in a terrible fire. But when help arrived immediately, not a trace of fire was seen, but the brothers found Francis, Clara, and her companions around the humble table, rapt in the Lord and filled with the power from on high. Then they discovered that the appearance of fire had come from the flame of divine love, and that the fires of the Paraclete Spirit were burning in the new Cenacle. Oh, truly, this place can be called the most holy of all the holy, and it is therefore worthy of the highest honors! Moved by such fame

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and by such glorious memories, Our Predecessors, the Roman Pontiffs, granted special privileges to the Church of Santa Maria degli Angeli in Portiuncula.

[*Latin ed. p. 97*]

The Acts of Pope Pius X, number 97, adorned them with graces and privileges; and following in their footsteps, through similar Apostolic Letters, dated April 11th of the year 1909, sealed with the fisherman's ring, concerning the aforementioned privileges and rights duly recognized and increased, We declared the Church itself at the Porziuncola, the head and Mother of the Order of the Minor Friars, a Patriarchal Basilica and a Papal Chapel. Now, however, Our beloved son Joseph Bucefari, Minister of the Friars Minor belonging to the regular province of the Porziuncola, having been approached with requests from priests visiting the Assisi shrines, as well as from his religious brethren, and having presented these earnest prayers to Us, so that We might grant a privilege whereby priests celebrating the Sacred Mysteries in the chapel of the Porziuncola might, by Apostolic authority, celebrate a votive Mass for Saint Clare of Assisi, on the same days and with the same rights as those granted in Our aforementioned Letters for the celebration of a votive Mass for the Holy Father Francis in the same place, We, remembering the glorious life of that Virgin, the foundress of the Second Order, that is, of all the Poor Clares of the Franciscan Order, so that she might be venerated with special devotion in that very temple, where, hastening to the wedding of the heavenly Bridegroom, she happily founded that other order, We deemed it fitting to grant these pious requests with paternal benevolence. Therefore, by Our Apostolic authority, with the force of the present document, We grant perpetually, that in the chapel of the Porziuncola, located near the Patriarchal Basilica of the Holy Angels, on the same days and with the same rights and privileges as those granted in Our Letters of April 11th of the year 1909, given in the aforementioned form, it shall be permissible for any priest celebrating the Sacred Mysteries to duly celebrate a votive Mass for Saint Clare of Assisi. Furthermore, in order to more fully comfort the visiting priests both spiritually and practically, We also add, by Apostolic benevolence, the faculty that visiting priests, or the leaders of visiting groups, may celebrate both Masses, namely, the Mass for the Holy Father Francis and the Mass for the Saint Clare, even at the main altar of the newly consecrated Pontifical Altar. Finally, desiring to adorn the same Patriarchal Basilica with a new and indeed singular expression of Our will, We grant and bestow, by the fullness of Our Apostolic power, that it may be permissible for visiting priests, or the leaders of visiting groups, not only to celebrate the Masses of the Saints Francis and Clare of Assisi, but also a Mass of the Virgin Mary, in the same manner and with the same intention, as a votive Mass; and also that if any of these three Masses are to be celebrated with singing, such

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Masses, especially for the benefit of the pilgrims, may be celebrated not only by visiting priests and the leaders of visiting groups, but also by other priests, provided that the proper regulations are observed.

[*Latin ed. p. 98*]

Acts of the Apostolic See. - Official Commentary. 98 lines. We declare that these present Letters shall always exist, be firm, valid, and efficacious, and shall fully and completely produce their intended effects, and shall fully support those to whom they apply, and to whom they will apply in the future, in all things and through all things; and that, accordingly, they must be judged and decided upon in the aforementioned matters by any ordinary or delegated judge, and that they shall be null and void if, by anyone, knowingly or unknowingly, any attempt is made to contravene them, in any way. Notwithstanding the Apostolic Constitutions and Ordinances, even those deserving of special and individual mention and derogation, and all other things to the contrary, whatever they may be. We wish that, with respect to these present Letters, even printed copies thereof, signed by a public notary and sealed with the seal of a person holding an ecclesiastical office, the same full faith be given as would be given to the present Letters themselves if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the ninth day of February, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State. LETTER TO JAMES CARDINAL GIBBONS, ARCHBISHOP OF BALTIMORE, IN RESPONSE TO LETTERS OF OBEDIENCE AND VENERATION, TO THE MOST BLESSED FATHER, AND ALSO IN THE NAME OF OTHER BISHOPS OF AMERICA, GREETINGS FROM WASHINGTON. Beloved Son, greetings and the Apostolic Blessing. — It is certainly not unexpected, and it gives us hope, that you too, Beloved Son, should give new testimony of your old devotion, that is, that you yourself should denounce the insults and affronts with which we were publicly and impudently attacked last September, when the memory of the capture of this city of Rome was being celebrated. This testimony is all the more welcome. For it has not only been a messenger of your piety, but also of the piety of the Bishops who were with you in Washington recently; and the judgments and feelings of all of them, similar to your own judgments and feelings, were declared in your letter. We have therefore enjoyed the sweetest of pleasures, as much as one can experience from the most desirable of things: and the parts of Our piety.

[*Latin ed. p. 99*]

Sacred Congregation of the Consistory. We have deemed it fitting to write to you to express our gratitude; and you will render us a great service if, following our words, you will extend this to those whom you have as colleagues in this undertaking. To you, and in the first place, and to the

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clergy and people of your diocese, we earnestly implore heavenly blessings, and we impart the Apostolic Benediction, as a pledge of their favor and a testament to our benevolence. Given in Rome, at Saint Peter's, on the eve of the Nativity of the Savior of the human race, in the year 1910, in the eighth year of our pontificate. PIUS PP. X. I. ROMANA. CONCERNING COMPETENCE IN INTERPRETING ECCLESIASTICAL LAWS. To the Sacred Congregation of the Consistory, the following questions have been proposed for resolution: 1.° Whether, after the establishment by Pope Pius X of the Roman Curia, the Sacred Congregation of the Council still possesses the exclusive power to authentically interpret all decrees of the Council of Trent, which pertain to the reform of morals, discipline, and other matters of the kind, with the consultation of the Supreme Pontiff; 2.° Whether the power to authentically interpret the decrees of the Council of Trent and other ecclesiastical laws has been assigned to each Sacred Congregation by the Constitution *Sapienti Consilio*, according to its own competence, with the exception of the approval of the Roman Pontiff; 3.° Whether the same power belongs to the sacred tribunals of the Roman Rota and the Apostolic Signatura; 4.° Whether the same sacred tribunals possess at least the power to legally interpret the decrees of the Council of Trent and other ecclesiastical laws in particular cases, namely, so that they may render judgment between the parties in the cause.

[*Latin ed. p. 100*]

100 Acta Apostolicae Sedis. - Official Commentary. The Fathers of this Sacred Congregation, after mature deliberation in a general meeting held on February 9, 1911, decided that the following answers should be given: To questions I and III, a negative response; to questions II and IV, an affirmative response. On the following day, when these resolutions concerning doubtful matters were presented to His Holiness Pope Pius X by the undersigned Cardinal Secretary, His Holiness approved and confirmed them. Given in Rome, from the offices of the same Sacred Congregation, on February 11, in the year 1911. C. CARD. DE LAI, Secretary. L. © S. Scipio Tecchi, Assistant.

THE NOMINATIONS OF BISHOPS. His Holiness Pope Pius X, by decree of the Sacred Congregation Consistorialis, appointed:

January 14, 1911. - The Reverend Father Bernard Pizzorno, already titular Bishop of Comana, as Bishop of the cathedral church of Crema.

January 16. - The Reverend Father Joseph Butt, of the archdiocese of Westmonasteriensis, pro-rector of the College of St. Bede in the City, as titular Bishop of Cambysopolitana, with the designation as auxiliary to the Reverend Father Francis Bourne, Archbishop of Westmonasteriensis.

January 19. - The Reverend Father Sebastian Herscher, already Bishop of Lingonensem, as titular Archbishop of Laodicea.

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January 20. - The Reverend Father Anthony Bauer as titular Archbishop of Pessinunta, with the designation as coadjutor with succession to the Reverend Father George Posilovic, Archbishop of Zagabria.

January 27. - The Reverend Father Angelus Marius Dolci, already Archbishop of Nazianzenum, as Archbishop of the archiepiscopal church of Amalphitana.

February 1, 1911. - The Reverend Father Cletus Cassani as titular Bishop of Thacia Montana, with the designation as auxiliary to the Reverend Father Aemilius Parodi, Archbishop of Turrita.

[*Latin ed. p. 101*]

Sacred Congregation of Bishops. 101, February 3, 1911. — The Reverend Aloysius Niella, to be Bishop of the Cathedral Church of Corrientes. February. — The Reverend John Baptist Hierl, to be titular Bishop of Theuchira, with the designation of Auxiliary to the Reverend Peter Francis Anthony Henle, Bishop of Ratisbon. February 6. — The Reverend Michael de Lima Valverde, to be Bishop of the Cathedral Church of Saint Mary in Brazil. — The Reverend Andrew Karlin, to be Bishop of the Cathedral Churches of Trieste and Justiniana. February 9. — The Reverend Oliver de Durfort Civrac de Lorge, to be Bishop of the Cathedral Church of Langres. — The Reverend Michael de La Mora, to be Bishop of the Cathedral Church of Zacatecas. February 10. — The Reverend Eugene Giambro, to be Bishop of the Cathedral Church of Sarsina. February 14. — The Reverend John Capitoli, already Bishop of Thermara, to be Bishop of the Cathedral Church of Balneoregium. — The Reverend Ferdinand Rodolfi, to be Bishop of the Cathedral Church of Vicenza. February 21. — The Reverend John Scotti, to be Bishop of the Cathedral Church of Cariati. February 28. — The Reverend Peter Goebl, to be titular Bishop of Sinop, with the designation of Auxiliary to the Reverend Maximilian de Lingg, Bishop of Augsburg. Furthermore, the Most Holy Lord commanded that, concerning this matter, Apostolic Letters be issued under seal for the proper course of law.

[*Latin ed. p. 102*]

102 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE SACRAMENTS I. INSTRUCTION TO ORDINARIES CONCERNING THE FREE STATE AND NOTIFICATIONS OF MARRIAGES. It has been repeatedly brought to the attention of this Sacred Congregation concerning the Sacraments that, in certain regions, parish priests are present at marriages, especially those of foreigners, without having duly and legitimately ascertained the free state of the contracting parties, and that, as a result, there have been those who have dared to attempt a second marriage. Furthermore, not a few Ordinaries have complained that the notifications of marriages, which, according to the decree: *Ne temere*, issued by the Sacred Congregation on the day and

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month of August in the year 1907, must be transmitted to the parish priest of the baptism of the spouses, are often lacking in all testimony of faith and are deficient in the necessary indications. To remedy these inconveniences, the Most Reverend Fathers of this Sacred Congregation, in a general meeting held in the buildings at Vatican on the seventh day of the month of February in the year 1911, decided to prescribe the following: I. It should be brought to the attention of parish priests that it is not permissible for them to be present at a marriage unless they have duly and legitimately ascertained the free state of the contracting parties, with the legal requirements observed (Cf. Decree *Ne temere*, n. V, § 2); and they should especially be reminded to demand the baptismal certificate from the contracting parties, if this has been issued in another parish. II. In order that the prescriptions contained in n. IX, § 2 of the aforementioned Decree may be duly observed, the notification of the marriage, to be transmitted to the parish priest of the baptism, shall bear the names and surnames of the spouses and their parents, the age of the contracting parties, the place, date, and time of the marriage, the names and surnames of the witnesses who were present, and shall be signed by the parish priest, with the addition of the parish seal. The inscription shall accurately indicate the parish, diocese, town or place of baptism of the spouses, and all that is necessary for the safe transmission of the document by public carriers. III. If, by chance, it should happen that, even with all precautions taken, as mentioned in n. I, the parish priest, upon receiving the notification of the marriage, discovers that one of the contracting parties is already bound by another marriage, he shall promptly inform the parish priest who officiated at the attempted marriage.

[*Latin ed. p. 103*]

Sacred Congregation of the Sacraments. 103 IV. Ordinaries should diligently see to it that these prescriptions are religiously observed, and that those who are found to have transgressed are brought back to the office, and, where necessary, canonical penalties are applied. From the offices of the same Sacred Congregation, on March 6, 1911. D. CARD. FERRATA, Prefect. L. © S. Ph. Giustini, Secretary. CONCERNING THE PROOF OF MARRIAGE OF THE VENETIANS. The Patriarch of Venice proposed the following QUESTION to the Sacred Congregation concerning discipline of the Sacraments: Whether, and in what cases, a simple affirmation by those who come from America or other distant regions may be admitted as sufficient proof of the validity of marriage, whenever a document or other legitimate proof of the celebration of the marriage cannot be obtained, or can only be obtained with great difficulty and after a long time, with the meantime causing delays in the investigation of the matter. To this question, the Eminent and Reverend Fathers, after mature deliberation in plenary meetings held on February 17, 1911, judged that the following should be

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answered: First of all, it must be diligently ensured that the fact of the marriage contract is demonstrated by legitimate proofs; which proofs, although diligently sought, if they cannot be obtained, an oath should be administered to the parties, whereby they confirm their own assertion; with this done, the parties should be considered as legitimately married, and their offspring as legitimate. However, the following cases are to be excepted, in which the law requires full proof, for example, if it concerns a question of prejudice to another marriage or the reception of orders. The marriage, confirmed by oath as above, should not be entered in the common book of marriages, but in a separate register specifically designated for this purpose. From the offices of the same Sacred Congregation, on March 6, 1911. D. CARD. FERRATA, Prefect. L. © S. Ph. Giustini, Secretary.

[*Latin ed. p. 104*]

Acts of the Apostolic See. - Official Commentary. 104. HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. MISSION OF LINZOLO TRANSFERRED TO THE JURISDICTION OF THE VICARIATE OF UBANGHI, OR UPPER CONGO. DECREE. In order that the mission of Linzolo, which is presently located within the Apostolic Vicariate of Lower Congo, or Loango, may be more suitably governed, it has been deemed opportune, considering the geographical conditions of the regions, to transfer that mission to the jurisdiction of the neighboring Vicariate of Ubanghi, or Upper Congo. To this end, the Most Reverend Fathers of this Holy Congregation, having deliberated in Plenary Sessions on January 23rd of the preceding year, have decided that the boundaries of the Apostolic Vicariate of Ubanghi should extend westward from the river Djouè to the river Loulu, thereby detaching from the Apostolic Vicariate of Loango the territory situated between the aforementioned rivers Djouè and Loulu, and attaching that territory to the Vicariate of Ubanghi; so that, henceforward, both of the aforementioned Vicariates shall be separated from each other by a line drawn from the sources of the river Ogouè, along the river Loulu, flowing into the Niara, to the northern point of the province of Mayanga in the Belgian Congo. This decision of the Most Reverend Fathers was reported to His Holiness Pope Pius X by the undersigned Secretary of the same Holy Congregation, and in an Audience on February 7th of the current year, His Holiness graciously approved and ratified it, and ordered that the present Decree be issued concerning the matter. Given at Rome, from the Offices of the Holy Congregation for the Propagation of the Faith, on February 14th, in the year 1911. Fr. H. M. CARD. GOTTI, Prefect. L. £ß S. Aloysius Veccia, Secretary. THE BOUNDARIES OF THE APOSTOLIC PREFECTURE OF UBANGHI-CHARI ARE DEFINED. DECREE. In order that the boundaries separating the Apostolic Prefecture of Ubanghi-Chari from the Apostolic Vicariate of Central Africa, or Sudan, may be more

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appropriately determined for the purpose of evangelization,

[*Latin ed. p. 105*]

Sacred Congregation of Rites. 105, to be promoted; The Reverend Fathers of this Sacred Congregation, having considered in a Plenary Congregation held on the 23rd of the past month of January, the matter of extending the boundaries of the aforementioned Apostolic Prefecture of Ubanghi-Chari northward, into the territory of French Congo, up to the latitude of 10 degrees North, thereby detaching a portion of this territory from the aforementioned Apostolic Vicariate of Central Africa. – This opinion of the Reverend Fathers, having been reported to His Holiness, Pope Pius X, by the undersigned Secretary of the same Sacred Congregation, in an audience on the 7th of the aforementioned month of February, His Holiness benignly approved it and declared it valid, and ordered that a Decree be issued on this matter. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 14th of February, in the year 1911. Fr. H. M. GOTTI, Prefect. L. S. Aloysius Veccia, Secretary.

Ratisbon. CONCERNING THE PUBLICATION OF PROPER LITURGICAL CHANTS. Frederick Pustet, printer to the Apostolic See and the Sacred Congregation of Rites, with the consent of his Reverend Ordinary of Ratisbon, humbly requests that the Sacred Congregation of Rites deign to declare what procedure should be followed in seeking the approval of Proper chants of a diocese or order for the Roman Gradual or Antiphonale of the Vatican edition, and in particular:

I. Whether Proper chants, which present Gregorian chant, require the approval of the Sacred Congregation of Rites for the first edition?

II. And, if the answer to I is affirmative, whether this requirement also applies to subsequent editions?

III. And, if the answer to II is negative, whether, in addition to the permission of the local Ordinary in which the aforementioned Proper chants are published, the permission of the respective Superior of the order or diocese is also required?

IV. Whether those Proper chants for the Roman Gradual or Antiphonale of the Vatican edition, which present Gregorian chant transcribed with modern notation, require such approval?

[*Latin ed. p. 106*]

Acta Apostolicae Sedis. - Official Commentary. 106 And the Sacred Congregation itself, after hearing the opinion of the Liturgical Commission, based on the report of the undersigned Secretary, together with the vote of the President of the Commission for sacred music and chant, after careful deliberation and discussion, decided that the following response should be given:

To J. Affirmative: and each individual page of any Proper or new Office

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or Mass, composed by any printer, must be sent to the Sacred Congregation for Ritual in triplicate, either individually or together, for revision and final approval; provided that the prior permission of the local Ordinary or the Supreme Moderator of the Order or Institute is obtained, for whose use the edition is prepared, and which will serve as a standard edition for future editions.

To II. Negative, provided that subsequent editions are faithfully in accordance with the first standard edition of the Proper or new Office or Mass; as the Decree of the Sacred Congregation for Ritual, dated August 11, 1905, which contains instructions regarding the publication and approval of books containing Gregorian liturgical chant, clearly states and commands.

To III. For subsequent editions, both the approval of the Ordinary of the Diocese or the Supreme Moderator of the Order or Congregation, for whose use the editions are prepared, and the permission of the Ordinary of the place where such editions are produced and published, are required.

To IV. Both the approval of the Ordinary of the Diocese or the Moderator of the Order or Institute, and the permission of the Ordinary of the place where such editions are prepared or published, are required and are sufficient, as indicated in the response to question III above.

The Sacred Congregation further declares that the Decree of approval to be given by it to the first edition of any Proper or new Office or Mass containing Gregorian liturgical chant, together with the approval of the Ordinary of the Diocese or the Supreme Moderator of the Order or Institute, and the permission of the Ordinary of the place, as mentioned above, must be fully and faithfully published at the beginning or at the end of the Proper or new Office or Mass. And so it decreed, on February 24, 1911.

Fr. S. CARD. MARTINELLI, Prefect.

L. © S.

Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 107*]

In Holy Rome, the Sacred Roman Rota at Massilia. Concerning judicial deposits. During the blessed reign of Pope Pius X, in the eighth year of his pontificate. The Most Reverend Fathers, William Sebastiani, Ponens, Seraphinus Many, and Francis Heiner, Auditors at Tournon, in a collateral matter – Massilia. – Concerning judicial deposits – between Father John Altaria, represented by the legitimate procurator, Reverend Father N. Patrizi, advocate, and Father Aemilius Aillaud, represented by the legitimate procurator, Reverend Father A. Colomb, advocate, with the intervention and dissent of the Reverend Procurator of Justice, delivered the following judgment on January 20, 1911. During the judicial process of the case Massilia, a collateral question arose, as presented by the Reverend Procurator of

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Justice, concerning the deposit of funds in our tribunal, or in the treasury of the Holy See, funds which the plaintiff, J. Allaria, held in the name of the Congregation of Saint Peter in Chains. The Reverend Father Ponens, after considering the petition, and after hearing the Auditors at Tournon, issued a decree on July 16, 1910: "It is decided, and the undersigned, after hearing the Auditors at Tournon, orders, in accordance with the law, and according to paragraph 85 of the Regulations, that the entire matter in dispute be deposited in the treasury of the Sacred Roman Rota, and that this be notified to the Ordinary of Massilia, for notification and execution; and, if necessary, ecclesiastical censures shall be applied." However, the plaintiff in the case opposed this aforementioned decree, and therefore, the collateral question to be resolved today is under consideration: whether, in light of the decree of July 16, 1910, one should adhere to or depart from the decisions in this case. And it is best to note, first of all, that the dispute is not about whose money it is; for, according to the plaintiff's own confession, the owner of the funds is certainly the Congregation of Saint Peter in Chains; and therefore, in this case, we are not dealing with a proper sequestration, since this concerns disputed property, but only with a judicial deposit. Although sequestration is generally prohibited, this is not the case with a deposit. Indeed, as the Reverend Procurator of Justice correctly notes in his observations, number 10,

[*Latin ed. p. 108*]

Acta Apostolicae Sedis. - Official Commentary. 108 it is permitted; I "because it is not necessary to begin the judgment with the execution, but 'it is necessary that the plaintiff first demonstrate his right, and convict the defendant of the debt';" 2° "because before the plaintiff demonstrates his right, 'there is a presumption in favor of the defendant, who is therefore not disturbed in his possession.'" The judicial deposit, on the other hand, is prescribed to ensure a safe and secure execution of the future decision. Hence, it is expressly stated in our Rules § 85, n. 1: "It is incumbent upon the court to prescribe such guarantees or sureties as may be deemed appropriate to ensure, as far as possible, the execution of the decision, which the court will, according to the circumstances, issue in subsequent proceedings." And in 2: "An easily executed guarantee, besides a personal surety of someone suitable to pay, is the judicial deposit in favor of the litigant, etc." There are also just reasons that make the deposit not only useful, but necessary. Consider the case of Father Aliaría, who possesses no real estate, nor has he given any guarantee regarding the restitution of the money he holds, and has never revealed to anyone in whose custody he keeps the same money, and, what is more, he demands a sum. Then, the same Father Aliaría wrote several times that he would not return the money unless his reputation, which he claims has been damaged, was first restored. Thus, in his letter of February 16, 1906, to Father Alliaud, the Superior General of

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the Institute, he says that he would not accept the judicial sentence, even one issued in Rome, unless under two conditions, the second of which is: "That you agree to officially rehabilitate me where you and other members of the Community, knowingly or unknowingly, have put me in suspicion, discredited, vilified, and dishonored, perhaps in some way, in some place, at some time! The arbitral sentence or that of Rome must only take effect when this restoration of honor and justice is complete." Similarly, in his letter of April 4, 1906, to the same person: "That you recognize that you owe me a complete rehabilitation before the ecclesiastical authorities is something, but I am not satisfied with that; you must do it elsewhere as well. I will not return anything until all of this is a fact." Likewise, and even more strongly, in another letter of May 12, 1906, to the same person: "That is why I have not ceased to tell you: remove the accusation, which you know is nothing but a calumny. If you refuse to do so, I will have nothing more to do than to profit from the fruit of my alleged theft, and I will answer to no one, whether it is Rome, Marseille, or Barcelona that speaks. It is settled, it will be so." Thus, Father Aliaría clearly and forcefully affirms, not only once, that he will not return the money owed to the Congregation unless, first...

[*Latin ed. p. 109*]

8. The Roman Rota. One hundred and nine [judges] have restored his reputation, which he claimed had been harmed by them. Therefore, if the Most Holy Rota, in a final judgment, determines that the reputation of Father I. Allaria has not been harmed, then Father Allaria shall not return the money, nor may the judgment be appealed. It does not impede this that the Roman Promoter of Justice has not acted in the matter of the deposit in the conciliation of doubts. For the power granted to the presiding judge in § 85 of the Regulations removes the conciliation of doubts, and it can be exercised at any stage of the judgment, whenever it seems opportune to achieve the execution of the decision. Nor does it impede this that the Reverend presiding judge heard the Auditors of Tournon concerning the decree of July 16th. This, indeed, was not necessary, considering paragraphs 35 and 38 of our Regulations. But here applies rule 27 of the Juris in VI: "The useful must not be vitiated by the useless"; especially since, by acting in this way, the presiding judge has not deprived the litigant party of the benefit of appeal to Tournon, since any incidental judgments rendered by Tournon can be appealed to the same Tournon, according to paragraph 95, number 1. Furthermore, it should not be said that equality must be maintained between the parties in judgments; therefore, the deposit should also be demanded from the Congregation of St. Peter in Chains. For with regard to maintaining trust in debtors, there is a great difference between a private individual, who has no immovable property and can easily evade the coercive measures of the ecclesiastical tribunals, and a religious congregation,

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which possesses houses and other immovable property, and is entirely and in all respects dependent on the Church. Finally, it is useless to assert that the presentation of money by the opposing party is a sign of boasting about a victory. Indeed, in the first place, the tribunal of the Most Holy Rota only pursues what is just and legitimate. Secondly, it is far from the case that Father I. Allaria suffers any detriment through the judicial deposit, but rather, through it, he clearly demonstrates that he is acting in good faith, and that he desires only the restoration of his own good reputation. Having carefully considered all of the above, we, the undersigned Auditors of Tournon, invoking the name of Christ, sitting for the tribunal and having only God before our eyes, decree, declare, and pronounce that the decisions in the decree of July 16, 1910, shall stand, and that Father I. Allaria shall pay the judicial expenses, reserving to ourselves, or to whoever is legally entitled, the assessment of said expenses. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to demand the execution of this our judgment, and to proceed against those who resist, according to the sacred ACTA, vol. III, n. 3 - 15 3 - 9 1 1. 8.

[*Latin ed. p. 110*]

Acts of the Apostolic See. - Official Commentary. concerning the canons, and especially chapter 3 of Session 25, concerning Reforms, of the Council of Trent, with the executive and coercive means applied, which will prove more effective and appropriate according to the circumstances. Rome, January 25, 1911. William Sebastiani, Prefect. L. Eg S. Seraphinus Many, Franciscus Heiner. Reverend Father Tancredes Tani, Notary.

APOSTOLIC SIGNATURE. JURISDICTION AND PENALTIES.

In the ordinary meeting or congress held on February 3, 1911, between Rome and Trent, Most Reverend Cardinal Vincent Vannutelli, Prefect of this Supreme Tribunal, and the undersigned Secretary, the following question was proposed: whether the appeal interposed by the Reverend Father Cosimo Scarpa, parish priest and dean of the town of Gittavecchia, in the diocese of Trent, should be admitted for judgment by the plenary assembly of the Fathers. This appeal was against the Royal Sentence issued on June 10 of the preceding year, 1910, which had confirmed another sentence of the same Royal Tribunal, dated July 29, 1909. This was contrary to what the aforementioned Father Cosimo Scarpa had hoped for with his new appeal, since he had appealed to the Royal Tribunal because the Bishop of Trent had removed him from the office of dean and imposed ecclesiastical penalties upon him, because he had resisted the order of the Ordinary, and because, in defiance of the Holy Canons, he had not hesitated to bring a case before secular authorities and civil tribunals.

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Indeed, after a most diligent and thorough examination of all the reasons presented by the plaintiff in support of his appeal, it has been clearly demonstrated that they are entirely devoid of any valid legal basis. As with all the other arguments, we shall pass over the more sophistical arguments, but the principal reason upon which the appellant relies to invalidate the Royal Sentence, namely, the alleged lack of competence in the judges of the Royal Tribunal, proves to be unfounded and, indeed, contradicts the appellant himself.

In any case, whatever the arrangement of the Court of Trent, or the Decree by which that Bishop deprived the persistent appellant of the office of dean, and imposed ecclesiastical penalties upon him, for failing to give him due obedience and for appealing to civil tribunals against him, this was always necessarily and legitimately done, either by the law of the law itself, or by the...

[*Latin ed. p. 111*]

Secretariat of State. By the authority of an Apostolic Rescript, the judges of the Tribunal of the Roman Rota have been deemed competent to issue a judgment on the appeal. It is not permissible for the appellant to attempt to challenge the validity of the Apostolic Rescript with tricks and techniques. Furthermore, it has been deemed intolerable that the plaintiff, who has been repeatedly rejected, first by the Metropolitan Curia of his region, then by the secular authorities themselves, and finally by the Tribunal of the Roman Rota, should still stubbornly pursue a case that is contrary to due obedience to the legitimate Bishop, contrary to his own parochial duties, and to the spiritual edification of the faithful, and which can only be further pursued with the utmost injustice, against the Holy Canons and the reverence due to the Apostolic See. Therefore, after carefully reviewing all aspects of this appeal, and also considering the opinion of the Reverend Consultor, it has become clear that the aforementioned appeal by the parish priest, Father Cosimo Scarpa, against the judgment of the Roman Rota, must be rejected from the outset, in accordance with Canon 40, § 1, of the Proper Law of the Roman Curia. Therefore, Cardinal Vincent Vannutelli, Prefect of this Supreme Apostolic Signatura Tribunal, has decided as follows, and has ordered that this decree be drawn up and dispatched by the undersigned secretary, with the formalities and clauses required by law and in accordance with the norms of the Proper Law. Given in Rome, in the offices of the Supreme Apostolic Signatura Tribunal, on the 3rd day of February, in the year of Our Lord 1911. Nicolaus Marini, Secretary of the Supreme Apostolic Signatura Tribunal. L. % S. Iosephus Adv. Fornari, S. T. A.

SECRETARIAT OF STATE

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LETTERS

I. TO THE MOST REVEREND FATHER, DOM FRANCIS BOURNE, ARCHBISHOP OF WESTMONASTER, CONCERNING LETTERS PRESENTED TO HIS HOLINESS THROUGH HIM, BY THE ASSOCIATION KNOWN IN ENGLISH AS "THE CATHOLIC MISSIONARY SOCIETY."

Most Reverend and Venerable Lord, The letters, bearing the commendation of Your Eminence, which were presented to the Most Blessed Father by the association of priests known as "The Catholic Missionary Society," and which declare that...

[*Latin ed. p. 112*]

112 Acta Apostolicae Sedis. - Official Commentary. The intention of these priests is to strive, as far as their abilities allow, to alleviate and enlighten the minds of those alienated from the Catholic faith or blinded by error, and to bring them into the bosom of the Holy Mother Church; this has brought great solace to the heart of the August Pope, who is burdened by so many sorrows. For what could be sweeter, what more pleasing to the Supreme Pastor, than to gather the scattered and wandering sheep, and to make one fold and one shepherd? Therefore, greatly pleased with these letters, the Most Blessed Father, while promising that the aforementioned Association of Priests may bring forth many and good fruits, imparts, with a generous heart, the requested Apostolic Blessing to all and each of the priests of that society, and prays for the aid of higher powers. In the meantime, confirming my feelings of the highest esteem for you, I rejoice in remaining, in the fullness of my office, in Cattolica, on the eighteenth day of January, 1911. Most devotedly, L. j$j S. R. CARD. MERRY DEL VAL. TO THE MOST REVEREND AND HOLY FATHER JOSEPH ALTENWEISEL, BISHOP OF BRIXEN, OFFERED BY THE ENTIRE DIOCESE, OUT OF FILIAL DEVOTION. Great and particular comfort has been brought to the heart of the August Holy Father by the numerous protests that have been made in this Diocese against the well-known insults of the Mayor of Roma, and which Your Eminence and Reverence has had the delicate thought of collecting and sending to the Holy Father, as a unanimous expression of affection and attachment to the Holy See and the Supreme Pontiff. These protests, which come from entire towns and municipalities (signed by their respective Mayors and Councilors), from parishes, religious communities, colleges and seminaries, Catholic associations, and from lay and ecclesiastical persons of every rank and condition, are, in truth, a powerful demonstration that is a testament to the zeal of the Ordinary of the Diocese of Bressanone, and to the living and profound Catholic faith of his diocesans. The Holy Father, therefore, as is natural, has felt comforted.

[*Latin ed. p. 113*]

Diarium Romanae 113 Curiae. Through this act of filial obedience, and

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for the part which these spiritual children have taken in his sorrow, while thanking them, together with Your Eminence, he sends to all and to each one, with heartfelt emotion and with paternal affection, the Apostolic Blessing, a pledge of abundant heavenly graces. Glad to inform you of the above, with sentiments of distinct esteem, I remain, Your Eminence's humble servant, Rome, January 18, 1911. Servant R. CARD. MERRY DEL VAL. L. £g S. a Secretis Status. DIARIUM ROMANAE CURIAE S. CONGREGAZIONE DEI RITI CONGREGAZIONE ORDINARIA PARTICOLARE. On February 21, 1911, in the Apostolic Palace of the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the following causes were submitted to the judgment of the Most Eminent and Reverend Cardinals comprising the same: 1. Concerning the validity of the Apostolic Processes carried out in the ecclesiastical Curiae of Marsiglia and of Ajaccio regarding two asserted miracles; and of the observance of the Decrees of Urban VIII for the Cause of Canonization of the Blessed Theophilus of Corte, professed priest of the Order of Friars Minor. 2. Concerning the validity of the Apostolic and Ordinary Processes instituted for the Cause of Beatification and Canonization of the Venerable Mary Magdalene Fontaine and three of her companions of the Daughters of Charity, and of the Venerable Mary Clotilde Angela of St. Francis Borgia and ten of her companions of the Order of the Ursulines of Valenciennes. 3. Concerning the validity and significance of the Apostolic Process instituted in the Curia of Brzesc regarding the reputation of sanctity of life, of virtues, and of miracles of the Venerable Vincenza Gerosa, foundress of the Institute of the Sisters of Charity in Lovere. 4. And finally, concerning the auto, in obedience to the decrees of Urban VIII, never granted to the Venerable Carolina Barbara Colchen-Carré de Malberg, foundress of the Daughters of St. Francis de Sales.

[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis. - Official Commentary. PREPARATORY CONGREGATION. On the 7th day of the current month of March, in the Apostolic Palace at the Vatican, the Preparatory Congregation of the Sacred Rites concerning the heroic degree of the virtues of the Venerable Ludovica de Marillac, Widow Le Cras, Co-foundress of the Daughters of Charity, was held.

SECRETARY OF STATE. His Holiness, with a note and a Brief from the Secretary of State, deigned to appoint:

Apostolic Protonotaries, participating: 7 March 1911. — Mons. Umberto Benigni.

Apostolic Protonotary, in the manner of a participant: 6 February 1911. — Rev. Lorenzo Szubartowicz, Prelate-Dean of the Cathedral Chapter of Sandomierz.

Domestic Prelates of His Holiness: 28 January 1911. — Rev. Guglielmo

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Riordan, of the diocese of Winona; Rev. Massimiliano Wurst, of the same diocese.

30 January. — Rev. Dionisio Gérin, of the diocese of Trois-Rivières (Canada).

4 February 1911. — Rev. Ladislao Fudalewski, Prelate-Dean of the Collegiate Church of Opatoriense in the diocese of Sandomierz.

6 February. — Mons. Giovanni Csiszàrik, Ecclesiastical Consultant of the Imperial and Royal Embassy of Austria-Hungary.

7 February. — Rev. Roberto Marcucci, Pontifical Master of Ceremonies.

9 February. — Rev. Guglielmo Tommaso Russell, parish priest of St. Patrick's in Washington.

15 February. — Rev. Alessandro Luigi Fichaux, Canon of Cambrai.

His Holiness, with a note from the Secretary of State, deigned to appoint:

17 February 1911. — His Eminence, the Most Reverend Cardinal Vincenzo Vannutelli, Protector of the Institute of the Daughters of Charity, Servants of the Poor, also called the Sisters of Providence.

16 February. — The Most Reverend and Reverend Monsignor Do Rego Maja, titular Archbishop of Nicopoli; the Reverend Father Placido Lugano, a Benedictine Olivetan; the Reverend Father Fi.

[*Latin ed. p. 115*]

Diary of the Roman Curia. 115. Father Maroto, of the Missionaries, Sons of the Most Holy Heart of Mary, Consultor to the Holy Congregation of Religious. February 27th. – Father Placido Angelo Rey Lem os, of the Order of Friars Minor of the Leonian Union, Consultor to the Holy Consistorial Congregation. March 2, 1911. – The Most Reverend and Venerable Monsignor Giuseppe Aversa, titular Archbishop of Sardi, currently Apostolic Delegate to the Republic of Venezuela, Apostolic Nuncio to Brazil. March 7th. – Monsignor Eugenio Pacelli, Under-Secretary of the Holy Congregation for Extraordinary Ecclesiastical Affairs. HONORS. The Holy Father, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Order of St. Sylvester, Commander: February 17, 1911. – To Mr. Teodoro Paolo Koenig, a painter, of the diocese of Münster. February 20th. – To Mr. Cesario Bertinelli, President of the Diocesan Administration of Gubbio. The Order of St. Gregory the Great, civilian class, Knight: January 28, 1911. – To Mr. Roberto Siniscalco, of the diocese of Foggia. February 3rd, 1911. – To Mr. Rodolfo Dareste de la Chavanne, a lawyer in Bourg. – To Mr. Giuseppe Milliat, of the diocese of Belley. – To Mr. Antonio Thievoy, Judicial Affairs Officer in Bourg. – To Mr. Alfredo Villefranche, a lawyer in Bourg. – To Mr. Giuseppe Dupré, a lawyer in Bourg. – To Mr. Giuseppe Mermod, a lawyer in Bourg. February 21st. – To Mr. Enrico Bouchez, of the Archdiocese of Paris. The Order of St. Sylvester, Knight: February 6, 1911. – To Mr. Gregorio Voith, of the diocese of Transyl-

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vania. February 9th. – To Mr. Francesco Ragaller, of the diocese of Munich of Bavaria. February 10th. – To Mr. Emilio Carlo Vellunscheg, Secretary of the Austro-Hungarian Diplomatic Agency in Babylon. February 18th. – To Mr. Giuseppe Schwendt, Secretary of Chancery in the Embassy of Austria-Hungary to the Holy See.

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis. - Official Commentary.

FROM THE PAPAL HOUSEHOLD

BY ORDER OF HIS HOLINESS

His Holiness, through a letter from His Eminence, the Reverend Monsignor, the Papal Chamberlain, has deigned to appoint:

Extraordinary Secret Chamberlains:

February 20, 1911. — Monsignor Giovanni Busciati, of the archdiocese of Scutari; — Monsignor Francesco Ferenez, of the diocese of Alba Reale; — Monsignor Francesco Danko, of the diocese of Ragusa; — Monsignor Flaviano Osorio Pimentai, of the archdiocese of Bahia; — Monsignor Giuseppe Gassano, of the diocese of Conversano.

Honorary Chamberlain in purple vestments:

February 20, 1911. — Monsignor Francesco Stauracz, of the archdiocese of Vienne.

Honorary Secret Chaplains:

February 20, 1911. — Monsignor Antonio Bosci, of the archdiocese of Scutari; — Monsignor Giuseppe Németh, of the diocese of Giavarino.

NECROLOGY

February. — Monsignor Gustavo Persiani, Auditor of the Sacred Roman Rota. — Monsignor Francesco Certo, Titular Bishop of Sinop, Apostolic Administrator of the nullius prelatura of S. Lucia del Mela.

March. — Monsignor Ermanno Dingelstad, Bishop of Münster.

CORRECTIONS: In the Apostolic Letters "Gravi iamdiu," published in fascicle 2 of this volume, page 53, the following inscription should have been included at the beginning: To our beloved Catholic sons residing in England – Pius PP. X. – Beloved sons, greetings and the Apostolic Blessing.

[*Latin ed. p. 117*]

Year III. - Vol. III. March 31, 1911. No. 4. OFFICIAL COMMENTARY OF THE AGTAIPOSTOIJGAEIEDIS. ACTS OF POPE PIUS X. LETTER IN WHICH A CERTAIN VULGATE TEXT IS REPROBATED CONCERNING THE QUESTION OF CHURCHES TO BE RESTORED TO

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CATHOLIC UNITY. TO THE VENERABLE BROTHERS, ARCHBISHOPS, DELEGATES APOSTOLIC BYZANTINE, IN GRAECIA, IN AEGYPT, IN MESOPOTAMIA, IN PERSIA, IN SYRIA, AND IN THE ORIENTAL INDIES. PIUS PP. X. VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION. Since, in these latter times, the peoples of the East have begun to be torn away from the unity of the Catholic Church, it can scarcely be said how much labor has been expended in order that dissenting brethren might be brought back into the fold of the Supreme Pontiff. Among others, the Popes, Our Predecessors, in the discharge of their office, and for the sake of defending the faith and ecclesiastical unity, spared nothing, so that, through paternal exhortations, through public legations, and through solemn councils, the most grievous schism might be removed, which, indeed, caused sorrow to the West, but brought great damage to the East. Witnesses to this concern are, as we briefly enumerate, Gregory IX, Innocent IV, Clement IV, Gregory X, Eugene IV, Gregory XIII, and Benedict XIV. But it is known to no one that Our Predecessor of blessed memory, Leo XIII, at a very opportune time, prescribed another profession of faith to the Orientals. ACTS, vol. III, n. 4. - 31-3-911.

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis. - Official Commentary. That the peoples of the East might be invited to reunite with the Roman Church. "We, indeed, (says the text) are certainly delighted by the ancient glory of the East, and by the reputation of all kinds of people, simply by the remembrance of its merits. For there are the cradles of the salvation of the human race, and the beginnings of Christian wisdom; from there flows, like an abundant river, all the benefits which we have received together with the sacred Gospel, into the West... And considering these things with us, we desire and hope nothing so much as to strive to revive the virtue and greatness of our ancestors throughout the East. And all the more so, because the course of human events has unfolded there in such a way that indications repeatedly appear which portend hope, that the peoples of the East, who have been separated from the bosom of the Roman Church for so long a time, may one day, with God's grace, be reunited with it." Nor, indeed, do We ourselves, Venerable Brothers, as you well know, hold a lesser desire, that the day may soon dawn, so eagerly awaited by the prayers of so many holy men, in which that wall, which has long divided the two peoples, may be utterly overthrown, and that, with a single embrace of faith and charity, peace may finally flourish, and there may be one flock and one shepherd. However, while these things are in our minds, a recent writing, published in the newly founded journal "Roma e l'Oriente," entitled "Pensées sur la question de l'union des Églises," has recently provided a serious cause for grief. For that writing is filled with so many and such grave errors, not only

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theological, but also historical, that scarcely can a greater accumulation be contained within so few pages. Indeed, there, this opinion is approached with no less temerity than falsehood: that the dogma of the procession of the Holy Spirit from the Son does not flow in any way from the very words of the Gospel, nor is it confirmed by the faith of the ancient Fathers; - equally imprudently, in doubt 2 1 Allocution "Si fuit in re," December 13, 1880, to the Sacred College of Cardinals, in the Vatican Archives; Acts, vol. II, p. 179; Cf. also the Apostolic Letter "Praeclara Gratulationis," June 20, 1894; Acts, vol. XIV, p. 195. JOHN X, 16. 2

[*Latin ed. p. 119*]

The acts of Pope Pius X, page 119, are cited, concerning whether the doctrines regarding Purgatory and the Immaculate Conception of the Blessed Virgin Mary were recognized by holy men of former centuries; – and when the matter of the Church's constitution is discussed, first, the error condemned for a long time by Our Predecessor, Innocent X, is renewed, namely, that St. Paul is considered to be entirely equal to St. Peter as a brother; – then, with no less audacity, the opinion is introduced that the Catholic Church was not, in the early centuries, under the leadership of one, that is, a monarchical, form of government; or that the primacy of the Roman Church lacks any valid arguments. But even there, the Catholic doctrine concerning the Most Holy Sacrament of the Eucharist is not left untouched, since it is taught that the words of consecration do not produce their effect among the Greeks, unless that prayer has already been pronounced which they call the epiclesis; whereas it is clearly understood that it does not belong to the Church to innovate anything concerning the very substance of the sacraments; – nor is it left untouched that Confirmation must be considered valid when conferred by any priest. From this summary of errors, which are contained in that document, it is easily understood, Venerable Brothers, that a most serious offense has been caused to all those who read it, and that We ourselves have been greatly astonished that the Catholic doctrine has been so impudently perverted, with words that are not veiled, and that more things pertaining to history, concerning the causes of the Eastern schism, have been distorted with such boldness. First of all, the most holy Popes Nicholas I and Leo IX are falsely accused, as if a large part of that disagreement is due to the pride and ambition of the former, and to the harsh rebukes of the latter; as if the former's apostolic vigor in defending the most sacred rights is to be attributed to pride; and as if the latter's diligence in correcting the wicked is to be called cruelty. The rights of history are also trampled upon when those sacred expeditions, which they call crusades, are presented as

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robberies.

[*Latin ed. p. 120*]

Acta Apostolicae Sedis. - Official Commentary. They are disturbed; or, which is even more serious, the Roman Pontiffs are accused, as if the desire with which they have sought to draw the peoples of the East into communion with the Church of Rome is to be attributed to a lust for domination, and not to apostolic concern for the feeding of Christ's flock. Nor does it cause slight astonishment that in the same writing there appears the assertion that the Greeks in Florencia were forced by the Latins to subscribe to unity, or that they were induced by false arguments to accept the dogma concerning the procession of the Spiritus Sancti even from the Son. Indeed, it goes so far as to trample upon the rights of history, and to cast doubt upon whether the General Councils, which were held after the schism of the Greeks, that is, from the eighth to the Vatican, are truly to be considered ecumenical; and thus, a certain hybrid form of unity is proposed, whereby only that which was common to both churches before the schism is henceforth to be recognized as legitimate, while all other matters, as superfluous and perhaps spurious additions, are suppressed in complete silence. We have considered it necessary to bring these matters to your attention, Venerable Brothers, not only so that you may know that we condemn the aforementioned false and rash propositions, which are alien to the catholic faith, but also so that, as far as it is in your power, you may strive to repel this insidious error from the people entrusted to your care, urging all to remain steadfast in the received doctrine, and never to consent to anything else, even if... an angel should preach the Gospel from heaven. At the same time, we earnestly pray that you may persuade them that nothing is more ancient than that all men of good will should exert their utmost efforts to hasten the attainment of unity, so that they may be united in one profession of the catholic faith, under one supreme pastor, and that the sheep, which discord has scattered, may be gathered together. This, indeed, will be more easily accomplished if fervent prayers are offered to the Spiritus Sancti Paraclitus, who "non est dissensionis Deus, sed pacis," for from this will come to pass the fulfillment of Christ's wish, which is found before in Galatians, I, 8, and in 1 Corinthians, XIV, 33: "For God is not the God of dissension, but of peace."

[*Latin ed. p. 121*]

121 The Acts of Pope Pius X, paragraph 1, express the extreme suffering with groans: "That they all may be one, as thou, Father, in me, and I in thee; that they also may be one in us: that the world may believe that thou hast sent me." Let all, therefore, take this to heart, and let no one be remiss in this work, unless, above all, the true and complete Catholic faith is maintained, as it is handed down and established in Holy Scripture, in the tradition of

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the Fathers, in the consensus of the Church, in the General Councils, and in the decrees of the Supreme Pontiffs. Therefore, let those who strive to defend the cause of unity persevere: let them persevere, wearing the helmet of faith, holding fast to the anchor of hope, inflamed by the fire of charity, and let them diligently strive to navigate in this most divine undertaking; and may the God of peace, whose power governs times and seasons, hasten the day when the peoples of the East, rejoicing in Catholic unity, shall return, united with this Apostolic See, entering the port of eternal salvation, having cast off errors. You, Venerable Brothers, will diligently take care to have these Our letters translated into the vernacular language of each of your regions. Furthermore, we are pleased to inform you that the esteemed author of the writing, inconsiderately but in good faith, composed by him himself, has sincerely and from the heart adhered to the doctrines set forth in this letter before Us, and is prepared, with God's help, until the very end of his life, to teach, reject, and condemn all that the Holy See, the Apostolic See, teaches, rejects, and condemns, and to be a witness of divine blessings and of Our benevolence, We impart to you Our Apostolic Blessing, most earnestly in the Lord. Given at Rome, near St. Peter, on the twenty-sixth day of the month of December, in the year 1910, in the eighth year of Our Pontificate.

PIUS PP. X.

1 2 JOHN, XVII, Act., i, 7. 21.

[*Latin ed. p. 122*]

Acta Apostolicae Sedis. - Official Commentary. APOSTOLIC LETTERS: The Temple of the Blessed Virgin, commonly known as "del Pilastrello," near Lendinara in the Diocese of Atri, is raised to the dignity of a Minor Basilica. PIUS PP. X. For the perpetual memory of this event. — It is the custom, observed by Our Predecessor Popes, to adorn the temples of God, which are surrounded by great ancestral piety and are frequented by a singular devotion of the faithful, with illustrious titles and privileges, in order to promote, as far as is in Us, the spiritual good of men and the honor of Heaven. It must be noted that in the sixteenth century, near the city of Lendinara, within the boundaries of the Diocese of Atri, a sacred building was erected and entrusted to the monks of the Olivetan Congregation, dedicated to the Blessed Virgin under the title of "of the small pillar," or, as it is commonly called, "del Pilastrello"; this name is derived from the fact that an image of the Virgin Mary, holding the infant Jesus in her arms, is placed on a small pillar fixed in the altar and is venerated there. Moreover, the citizens and inhabitants of Lendinara have, on more than one occasion, been preserved safe and unharmed from pestilences, earthquakes, and floods through the intercession of the Mother of God, and their devout

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prayers have almost never been unheeded. Therefore, the sacred building was expanded and enriched with works of art, and the very image, which had previously been redeemed by the prelates of Atri on two occasions, was finally, in the year 1906, adorned with golden crowns by decree of the Vatican Chapter. The care and devotion of the monks of the Olivetan family, who, during the French upheaval, were expelled from that sacred place, and who now again diligently perform their sacred duties there, have been so great that the people of Atri, and even of neighboring regions, often visit the sanctuary, following the example of their prelates. Indeed, the monks of the same O. S. B. of the Olivetan Congregation, together with the municipal authorities of the city of Lendinara, earnestly requested Us to deign to declare the temple of the Blessed Virgin "del Pilastrello" a Minor Basilica. We, in addition to what has been mentioned, also considered that the same building, adorned with precious furnishings and enriched with relics, has already deserved to be included among the Archbasilica of the Lateran Palace and the Patriarchal Basilica of Saint Mary Major, by the privilege of the Supreme Pontiffs, and, having heeded the requests of Our beloved sons, the Patriarch of Venice, the Archbishop of Ferrara, as well as the Bishop of Atri and many others.

[*Latin ed. p. 123*]

The Acts of Pope Pius X, page 123, and other prelates, having expressed their desire to fulfill the requests made, we have decided to grant them. Therefore, by our Apostolic authority, through these letters, we elevate the ancient and venerable temple of Lendinarense, dedicated to the Blessed Virgin, commonly known as "dei Pilastrello," to the dignity of a Minor Basilica, and we grant it all the privileges that belong to the Minor Basilicas of this our City. We decree that these present letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and shall fully support those to whom they apply, now and in the future, in all things and through all things, and that they shall be judged and decided in the aforementioned matters by any ordinary or delegated judge, and shall be considered null and void if, by anyone, through any authority, knowingly or unknowingly, anything should happen contrary to these. Notwithstanding any Apostolic Constitutions or any other laws to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the fifteenth day of February, 1911, in the eighth year of our pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretariat of State.

II. ERECTION INTO AN ARCHICONFRATERNITY WITH THE FACULTY OF AGGREGATION IN THE MEXICAN DIOCESE.

PIUS PP. X. For the perpetual memory of this event.

A beloved son, the Provincial Superior of the Missionaries, who are called the Sons of the Immaculate Heart of the Most Blessed Virgin Mary, presented to Us, in the year 1895, in Mexico City, in the church dedicated to

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Jesus and Mary, that a confraternity called "Divina Providentia" had been canonically established and entrusted to the governance of those same religious. Furthermore, he stated that similar confraternities had been duly established and are continuously being established in many towns throughout the Republic of Mexico, with great benefit to the faithful and the salvation of souls. Moved by this growth, he humbly made his requests to Us, so that we might deign to honor this confraternity with the title and privileges of an Archisodality, through our benevolence. Therefore, since nothing is more important to Us than to foster the Christian people's piety, we have gladly considered this request. And since we have been informed by the Most Reverend Archbishop of Mexico that this confraternity pursues its purpose with great diligence, so that the spiritual good may be extended not only to its members, but also to the people, especially on solemn days,

[*Latin ed. p. 124*]

Acts of the Apostolic See. - Official Commentary. There, a large number gathered, it abounds, and moreover, it has always been ready to render due obedience to the Ordinary, and, considering that it desires to strive for the glory of God together with other sodalities present there, in concord and peace, We, by Our Apostolic Authority, by these presents, and perpetually, erect, establish, and constitute the Sodality under the title of the Divine Providence, canonically instituted in the Church of Jesus and Mary in Mexico City, and entrusted to the care of the Sons of the Immaculate Heart of the Most Blessed Virgin Mary, into an Archiconfraternity, and adorn it with the customary honors and privileges. Furthermore, to the Moderators and officials [present and future] of this Archiconfraternity, We grant, by Our Authority through these presents, that they may lawfully aggregate to it other sodalities of the same name and institution, canonically existing within the territory of Mexico, observing the form of the Constitution of Pope Clement VIII, Our Predecessor of blessed memory, and other Apostolic ordinances issued above, and that they may communicate to those sodalities all and every indulgences, remissions of sins, and relaxations of penances granted to the same Archiconfraternity by the Apostolic See, which are communicable to others. We decree that these Our Letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, both now and in the future, in all things and through all things, and that, accordingly, the matters contained herein shall be judged and determined by any ordinary or delegated judge, and shall be null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way, contrary to these provisions. Notwithstanding all Apostolic constitutions and ordinances, including those deserving of special and individual mention and derogation, and all other things to the

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contrary, whatever they may be. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 20th day of February, 1910, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretariat of State. PERPETUAL PARTIAL INDULGENCE FOR THE MEMBERS OF THE ARCHICONFRATERNITY OF THE INFANT JESUS THROUGHOUT THE WORLD. PIUS PP. X. For the perpetual memory of this matter. - When the memory of the Infant Jesus comes to Our mind, this remembrance renews the joy of Our early years and strengthens our devotion in Aoste, to the Divine Infant Jesus.

[*Latin ed. p. 125*]

The Acts of Pope Pius X, 125, stir up and foster the mystery of the nation. Therefore, it seems salutary and fruitful to us to promote devotion to the Divine Child more and more each day among the Christian people, and for this reason, We have already, through similar letters, granted and increased special privileges to the Archsodalitity canonically instituted by the Divine Infant of Bethlehem, which proposes the same end of increasing piety among the faithful towards the Divine Child. Now, when the Moderator of the same has approached Us with earnest prayers, so that a partial indulgence may be granted from the treasure of the Church to the members of the sodality while reciting a devotional prayer in honor of the Divine Child, We are pleased to grant these requests willingly and freely. Wherefore, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, We decree that all and each of the faithful, of both sexes, who are enrolled in the Archsodalitity instituted by the Infant Jesus of Bethlehem, either presently or in the future, throughout the entire world, who, with at least a contrite heart, recite this devotional prayer in any language, provided that the translation is faithful, namely, the prayer which in Latin is "Dulcissima Puer Iesu, miserere nobis," each time they do so, shall be remitted three days from the number of days of penance, according to the usual form of the Church. Furthermore, We grant to the same faithful that, if they so wish, they may, with this partial indulgence, expiate the sins and the penalties of temporal punishment. Contrary to nothing whatever. Valid for the present, perpetual, and future times. We wish that the same faith be given to these present letters, whether transcribed or printed, signed by the hand of a public notary, and sealed with the seal of a person constituted in ecclesiastical dignity, as would be given to the present letters if they were exhibited or shown. Given at Rome, near St. Peter, under the Fisherman's ring, on the twenty-fifth day of February, 1911, in the eighth year of Our Pontificate. R. L. ℔ S. CARD. MERRY DEL VAL, Secretary of State. IV. ERECTION OF THE APOSTOLIC VICARIATES OF CAROLINENSIS AND MARIANENSIS. PIUS PP. X. For the sake of future memory. — May these things, which are for the good, prosperity, and happiness of the Catholic name and the eternal salvation of the faithful,

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and which will contribute to the better administration of sacred affairs, be accomplished, and may We diligently and carefully strive to accomplish them, as We are reminded by the office of the Supreme Apostolate.

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis. - Official Commentary. We fulfill the duties incumbent upon Us, by virtue of the merits bestowed upon Us in the sublime Chair of the Prince of the Apostles, divinely established. For from this Chair, as from the highest vantage point, We direct the gaze of Our mind to all parts of the Christian world, however widely dispersed by land and sea, and We constantly watch over the growth of faith. Indeed, since recently the island of Guam, which belonged to the Apostolic Prefecture of the Marianne Islands, was separated from the authority of that Prefecture and erected into an Apostolic Vicariate, We deemed it opportune to add the remaining islands of the aforementioned Apostolic Prefecture of the Marianne Islands to the territory of the Apostolic Prefecture of the Caroline Islands, and to suppress both Prefectures, establishing a new Vicariate from them. Therefore, acting with the Most Reverend and Most Excellent Lords, Cardinals, Prefects of the Congregation for the Propagation of the Faith, after a most diligent deliberation, by Our own authority and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, in the present document, We detach the island of Guam from the Apostolic Prefecture of the Marianne Islands, which We, as mentioned above, have erected into a special Apostolic Vicariate, and We add the remaining islands belonging to that Prefecture to the territory of the Apostolic Prefecture of the Caroline Islands. We suppress both Prefectures with the same authority, and from their territory We establish a new Apostolic Vicariate. We give the name "Marian-Caroline" to this new Vicariate, and We entrust it to the care of the Fathers of the Order of the Discalced Carmelites. We decree that these present letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, or may pertain, in all things and through all things, and that they shall be judged and defined accordingly, and shall be void and null if anyone, by any authority, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding the law not being repealed, and other Apostolic Constitutions and Ordinances, special and individual mention and derogation being reserved. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the first day of March, in the year 1901, in the eighth year of Our Pontificate.

R. L.

†g S. CARD. MERRY DEL a Secretis Status.

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[*Latin ed. p. 127*]

127 Acts of Pope Pius X. ERECTION OF A NEW APOSTOLIC VICARIATE IN THE ISLAND OF GUAM. PIUS X, POPE. For the perpetual memory of this matter. — From this most exalted Chair, that of the Blessed Peter, Prince of the Apostles, as from a lofty vantage point, We direct the gaze of Our mind to all parts of the Catholic world, however far separated by land and sea, and, using Our supreme authority, We prepare and plan those things which We deem to be conducive to the better promotion of sacred matters, and which We foresee will be of greater benefit and advantage to the Christian people. Indeed, since the island of Guam, which is one of the Marian Islands, or Islands of the Thieves, is under the jurisdiction of the American government, while the remaining Marian Islands are subject to the German Empire, We have considered it necessary, in order to remedy the difficulties that already exist, or may arise in the future, between the people of Guam and the inhabitants of the other islands, to separate the island of Guam from the Apostolic Prefecture of the Marian Islands and to establish it as a separate mission. After, therefore, having consulted with the Most Reverend Fathers and Lords Cardinals, Prefects of the Congregation for the Propagation of the Faith, concerning this matter, by Our own initiative, with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by the force of these letters, We separate the island of Guam from the Apostolic Prefecture of the Marian Islands, and We establish it as a separate Apostolic Vicariate of Guam, entrusting it to the care of the Brothers Minor Capuchins: decreeing that these Our letters shall always exist and be valid and effective, and shall have their full and complete effect and obtain it, for those to whom they pertain, now and in the future, in all things and through all things: and that, accordingly, they ought to be judged and decided by any ordinary or delegated judges, and that they shall be null and void if anyone, by any authority, knowingly or unknowingly, should attempt to alter them in any way: notwithstanding any Apostolic Constitutions, and all other things to the contrary. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the first day of March, in the year 1911, in the eighth year of Our pontificate. R. L. © S. CARD. MERRY DEL VAL, SECRETARY OF STATE.

[*Latin ed. p. 128*]

Acta Apostolicae Sedis. - Official Commentary. 128 VI. INDULGENCES FOR THE PERPETUAL ANTONIAN YOUTH ASSOCIATION ARE GRANTED, THROUGHOUT THE TERRITORIES. PIUS PP. x. For the perpetual memory of this matter. — Our esteemed son, the present General Procurator of the Order of Friars Minor, reports to Us that, recently, in several nations, and especially in Hispania, the pious Antonian

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Youth Association has flourished, instituted in honor of the holy Anthony of Padua. The purpose of this Association is to place and gather Christian youth of both sexes under the patronage of the same Saint, so that they may not hesitate to fulfill religious duties and openly profess the Christian faith, even from a young age. The same Procurator adds that several Holy Priests have praised this Association with the highest words, fostering a near certainty that abundant Christian benefits will arise from it. He also informs Us that he himself considered it opportune to advise the Most Reverend Dionysius Schüler, the General Minister of the Order of the Friars Minor, to compile the statutes of the Antonian Youth Association into a single code, and to establish the International Center of this Association in the Franciscan College at S. Anthony in the City, from which other national and secondary centers will be governed. This provision has been made for the unity of the Association, so that various groups may cohere and assist each other with mutual counsel and aid; and similarly, it has been considered for the most fruitful increase of this work. Now, since the aforementioned speaker humbly requests Us to deign to grant some spiritual graces from the treasure of the Church to this pious Association: We, for whom it is most pleasing that the Catholic youth be strengthened in the duties and profession of the Christian faith, again praising the purpose of this Association, as We did last year, and desiring that this Association, in order to attract more and more faithful of both sexes to its name, We deem it fitting to grant the following: Confident in the mercy of Almighty God and in the authority of the Apostles SS. Peter and Paul, We grant that all and each of the faithful of both sexes who, in monthly gatherings throughout the territories, duly attend the meetings of the Antonian Youth Association, having been properly enrolled and admitted, and who are truly penitent and have confessed, and who have received Holy Communion on that day, and who, on that same day, in any public church, pray for the concord of Christian Princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, shall receive [a plenary indulgence].

[*Latin ed. p. 129*]

By the grace of God, Pope Pius X, to the glory of God and the salvation of souls, for the remission of sins and the satisfaction of temporal punishments, grants and concedes, and by these presents confirms, that all the faithful, both men and women, who, on the day that they pass from one class to another within the same Antonian Youth Society, and who, on the same day, after having confessed their sins and received Holy Communion in any public church, as previously stated, offer prayers, that all their sins, both past and present, may be mercifully forgiven by the Lord. Furthermore, We grant to the same faithful, if they so desire, the faculty to satisfy the penalties of their sins by performing works of piety. Notwithstanding

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any laws to the contrary. These present decrees are to remain perpetually in force. We decree that these present Letters, or copies thereof, even printed, signed by the hand of a public notary, and sealed with the seal of a person holding ecclesiastical dignity or office, shall have the same validity as if the original documents were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the tenth day of March, in the year 1787, in the eighth year of Our Pontificate.

R. CARD. L. £ß S. MERRY DEL VAL, Secretary of State.

TO OUR DEAR SON, THE PARISIEN. M. DEMIMUID, CHANCELLOR, PRINCIPAL PROTO-NOTARY, SUPREME MODERATOR OF THE SACRED INFANT JESUS.

Dear Son, health and apostolic blessing.

The letters which you sent to Us these days, filled with the joy of the Nativity of Jesus, have greatly pleased Us, along with the accounts of the activities of your group during the past year. We understand that, through the industry and labor of this excellent association, all undertakings have been brought to a successful conclusion. Continue to foster and promote the benefits derived from the Sacred Infant Jesus for those most innocent little ones, to whom neither the care of parents is given at their birth, nor the charity of neighbors offered to those in need. Through you, they may truly feel the words of Isaiah: "You shall be carried in the arms and shall be dandled in the knees." May your care for the children be a comfort to Our old age; may the innocence of childhood, rescued from the clutches of evil through your efforts, bring healing to the afflicted.

[*Latin ed. p. 130*]

130 * Acta Apostolicae Sedis. - Official Commentary. Let him lift up his mind, which is often weighed down by the wickedness of old age. Let the thought of promoting the cause of Christ, whose well-known saying is: "And he that shall receive one such little child in my name, receiveth me," spur him to pursue this most salutary work with ever greater zeal. Finally, may the apostolic blessing, a foretaste of the beatitudes promised to the merciful, be imparted to you, beloved son, and to the entire group under your care, as a testament to the benevolence of Our Father. Given in Rome, at Saint Peter's, on the sixteenth day of the month of January, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X.

TO OUR DEAR SON, F. CALON, PRESIDENT OF THE ASSOCIATION OF SAINT VINCENT DE PAUL.

Beloved Son, health and the apostolic blessing.

We have received with great pleasure your letter, in which you mention the works accomplished by this pious association, which have, indeed, greatly benefited our neighbors in the year 1910. No lesser benefits could be expected from that charity, which, derived as it is from Christ, flows forth

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to men. We say, this charity, which neither the wisdom of the ancients nor the pride of the moderns has been able to teach, is most needed by society, which is afflicted by so many and such grievous wounds. It is necessary that pious Samaritans should attend to these, and undertake the care of both souls and bodies. Since we are fully aware that both these benefits are conferred by you with eagerness and wisdom, we do not wish to withhold repeated expressions of our praise. And we thank you for having also extended your charity to Us, and we offer our prayers to the most benign God that He may multiply the gifts of His grace in you, so that you may be able to make your work ever more fruitful for yourselves and for others. May the apostolic blessing, a foretaste of good things and a testament to the benevolence of Our Father, be imparted to you, beloved son, to your excellent helpers in the management of the Vincentian association, and to all its members.

Given in Rome, at Saint Peter's, on the sixteenth day of the month of January, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 131*]

To the most beloved son, a religious man, Mauro Serafini, Abbot General of the Cassinese Congregation of the Order of Saint Benedict, of Strict Observance.

Beloved son, religious man, health and the apostolic blessing. The ancient praise of the disciples of Saint Benedict is that they have been, in the greatest times of the Church and of the commonwealth, an outstanding support and ornament, both in the cultivation of fields and in the protection of the heritage of arts and doctrine, having applied their efforts as much to the former as to the latter. Indeed, from the beginning, sacred expeditions were proposed to this Order, when Saint Benedict himself brought the benefits of humanity and of the Christian faith to the kingdoms of Europe, to the Hungarians, the English, the Germans, the Belgians, and others. Later, after Liguria's man with his mind and hand fortified the world discovered by him with the fulcrum of the Cross, more members of the Benedictine family were brought to those distant lands, who established fixed settlements there, and those regions were brought with rapid progress to that vastness of humanity that we see today. And neither has the glory of the name of Saint Benedict diminished in these days, and today it is pleasing to us to see the multiplied labors of your Cassinese institute, and to behold the old and new foundations occupied by you, the Oklaomense region in the United States of America, and the new Nursia in Australia, and those barbaric regions to the north and west of the sun, and the Apostolic Vicariate of Kimberley, and the college of students of the sacred order of the Syriac rite established on Mount Olivet, and the prefecture of the northern region of Transvalia, recently entrusted to you. And it is indeed very pleasing to us to measure with our eyes the vast

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field and to marvel at how far the fecundity of the holy Church extends through your ministry, and how a vast multitude of mortals are led from a wild and rustic life to human and civil cultivation, and, illuminated by the light of the Gospel, are recalled from death to eternal life. And this is not a small undertaking, but one that requires great effort of spirit, and often through great dangers. Indeed, the things that you have accomplished for the salvation of our brothers have been verified by the judgment and testimony of the world, and confirmed by the long duration of fourteen centuries, and give great hope that the Cassinese students will, no less than before, dedicate themselves to sacred expeditions, and that, when necessary, legions of apostles will emerge from their cloisters, as if echoing the words of the Lord: "I will say to the north: Give up: and to the south: Keep not back: bring my sons from afar, and my daughters from the ends of the earth." (Isaiah 43:6) And if, when writing these things to you, our intention were rather to congratulate you on your new beginnings, than to offer you encouragement...

[*Latin ed. p. 132*]

In the Acts of the Apostolic See. - Official Commentary. We earnestly exhort the superiors of your institute and the devoted students of sacred studies, that, by expanding the fruitful ministry, by helping, and without sparing any labor or danger, they may dedicate themselves to this work. Now, since the outcome has responded to our concerns and expectations, we offer our vows to God, that He may strengthen you all in the holy endeavor of securing the salvation of souls, and that no age, however forgetful of benefits, may diminish your praises. May all these things be accomplished, and, as a pledge of our paternal benevolence and heavenly favor, we impart to you, beloved son, devout man, and to your entire Congregation, our apostolic blessing. Given in Rome, near St. Peter's, on the sixth day of the month of February, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. IV. TO THE VENERABLE BROTHERS, CHARLES, ARCHBISHOP OF FIRMO, AND OTHER BISHOPS OF THE PICENE REGION. Venerable Brother, greetings and our apostolic blessing. At a time when the pernicious harvest of errors has grown to such an extent, the daily concern of the sacred pastors is to guard against nothing more than impiety, which, disguised as deceit, offers deadly food to the Christian flock. Your studies, as evidenced by the letters sent to us from the venerable House of Loreto, bear witness to this, as if you, like the apostles, were gathered with the Blessed Virgin Mary. Under her protection and guidance, you have turned your minds to matters of religion, and, mindful of the maternal voice: "Whatever He tells you, do," you have professed that you would rather die than depart from our communion and obedience. Therefore, having heard us, you have dedicated the clergy to the deposit of faith, rejecting the doctrines of modernism, and striving to preserve it

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whole and inviolate. Thus, with such a spirit, you have already been able to gather the first fruits – the remarkable agreement of the clergy in correcting those errors which, the more they resemble the truth, the more subtly they spread. Therefore, Venerable Brothers, we thank you for your literary work and for the considerable comfort you have given us, and we earnestly pray that the Mother of Loreto may continue to look upon these fields from heaven, so that the enemy may not "sow tares among the wheat." May the auspices of such patronage and the same paternal benevolence...

[*Latin ed. p. 133*]

Most Holy Congregation Consistorial. We desire to impart to you, venerable brothers, to the clergy, and to all the faithful entrusted to your care, the apostolic blessing, which We impart most earnestly to yourselves. Given at Rome, near Saint Peter, on the twentieth day of the month of February, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X.

MOST HOLY CONGREGATION CONSISTORIAL

Concerning the Decree "Maxima Cura."

I. In the general assembly of the Most Holy Congregation Consistorial held on the 23rd of February, 1911, the following question was proposed: "Does the most recent decree concerning the administrative removal from office and benefice of a pastor, entitled 'Maxima Cura,' remain in force in England?" After deliberation, and upon the request of the Consultors, it was judged that the answer should be: "Affirmatively." Furthermore, after a report was made to His Most Holy Lordship, Pope Pius X, by the undersigned Cardinal Secretary, in an audience on the 24th of February, 1911, the Most Holy resolution was ratified and confirmed.

Rome, on the 28th of February, 1911.

C. CARD. DELAI, Secretary.

L. © S. Scipio Tecchi, Assistant.

2. To the question proposed by some, "Does the decree 'Maxima Cura' remain in force for the dioceses of the United States of America?" this Most Holy Consistorial Congregation responds: "Affirmatively," according to the resolution given for the dioceses of England, dated the 28th of February, 1911.

Rome, on the 13th of March, 1911.

C. CARD. DE LAI, Secretary.

L. © S. Scipio Tecchi, Assistant.

ACTA, vol. III, n. 4. - 31 3 911. 10

[*Latin ed. p. 134*]

Acts of the Apostolic See. - Official Commentary. 134 ON THE PAPAL

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ACT "SACRORUM ANTISTITUM." Since in the papal act "Sacrorum Antistitum" it is established that the profession of faith, accompanied by an oath, must be made by pastors and other beneficed individuals before entering into possession of their benefice, the question was raised: "Whether the faculty granted by the Holy Council of Trent, by which those holding any benefice can make the profession of faith within two months from the day of receiving possession, still remains in force." After the matter was considered by this Holy Congregation, with the vote of the Consultors, a report was made to His Holiness Pope Pius X by the undersigned Cardinal, who, after careful deliberation, ordered that the proposed question be answered with: "No," and therefore, in the future, the profession of faith must be made before entering into possession of the benefice. Given at Rome, from the offices of the Sacred Consistorial Congregation, on the 1st of March, 1911. C. CARD. DE LAI, Secretary. L. Eg S. Scipio Tecchi, Assistant. III. ECCLESIASTICAL PROMOTIONS. His Holiness Pope Pius X, by decree of the Sacred Consistorial Congregation, promoted: March 7, 1911. - The Reverend Father John Anthony Pimenta, titular Bishop of Pentacomia, to the Bishopric of the cathedral church of Montesclarensis in Brazil. March 8, 1911. - The Reverend Father John Baptist Neudecker to the titular Bishopric of Helenopolis, with the designation as Auxiliary to the Reverend Father Francis Bettinger, Archbishop of Munich and Freising. March 13, 1911. - The Reverend Father Cyril de Paula Freitas, titular Bishop of Eucarpia, to the Bishopric of the cathedral church of Corumbá in Brazil. March 16, 1911. - The Reverend Father Charles Mauritius Graham, Bishop of Plymouth, to the titular Bishopric of Tiberias. Furthermore, the same Holy Father ordered that Apostolic Letters regarding this matter be dispatched under seal for the proper execution of justice.

[*Latin ed. p. 135*]

Sacred Congregation of Rites. 135. SACRED CONGREGATION OF RITES OF THE ORDER OF FR. MINOR, PROVINCE OF TERRAE LABORIS, CONCERNING THE OCCURRENCE OR COINCIDENCE OF CERTAIN FEASTS. The Most Reverend Father Valentinus Barile, Provincial Vicar of the Order of Friars Minor of the Province of Terrae Laboris, reverently presents the following to the Sacred Congregation of Rites, for appropriate declaration:

I. In the Neapolitan region, the Feast of St. Francis of Paula is celebrated on the second Sunday after Easter, under the rite of the second class with an Octave; but in the same region, there is the Convent of Casalucensis, for which this Feast is found in the Provincial Calendar on the second day of April, since the aforementioned second Sunday after Easter is impeded by the Feast of the Blessed Virgin Mary of Indulgences, the titular church. The question is: 1.° Can the Convent of Casalucensis celebrate the aforementioned Feast of St. Francis of Paula on the second day of April, which is free

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and available in the Provincial Calendar, or rather, according to the laws of coincidence, must it be celebrated after the second Sunday after Easter? And, to the extent that the answer to the first part is affirmative: 2.° If the second day of April falls outside of Lent, must the aforementioned Convent celebrate the Feast of St. Francis of Paula under the rite of the second class with an Octave, or without it?

II. The Feast of the Holy Relics was, before the year 1894, celebrated throughout the Order under the rite of the minor second class, on the fifteenth of March; but in that aforementioned year, it was elevated to the rite of the major second class, and transferred to the last Sunday of October. Sometimes, in Naples, there is the Convent of Sanitatis, which has the Indult to celebrate this aforementioned Feast under the rite of the first class. The question is: Can this Convent still celebrate the aforementioned Feast on the fifteenth of March, or must it postpone it to the last Sunday of October?

III. In some Convents of the same Province, it is not uncommon for the Octave of the Most Holy Body of Christ to coincide with the Feast of the principal patron of the place, or of the titular church itself. The question is: On the second Vespers, should the commemoration of the Most Holy Heart of Jesus be made, according to the laws of coincidence, or of the Most Holy Body of Christ?

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis. - Commentaria trium Officiarum. IV. The dedication of the Cathedral Church of Benevento from the calendar of that Diocese, to be celebrated on the Sunday after the Octave of All Saints, is prescribed. It should be noted, however, that since the aforementioned Sunday is almost always the second Sunday of November, it happens that the Feast of the Patronage of the Blessed Virgin Mary cannot be celebrated on that day. Hence, the question arises: Should the Feast of the Patronage of the Blessed Virgin Mary be permanently fixed on the first free day, or rather, should it be established on another day at the discretion of the Holy See, or can it be transferred or simplified according to the laws of occurrence, namely, by a mere accidental translation? And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, with the careful support of the Liturgical Commission, having carefully considered all things, decided to respond as follows: Regarding I and II. The Feast of Saint Francis of Paula should be celebrated perpetually on the second day of the week, immediately following the second Sunday after Easter, and the Octave of that feast should be observed on the Octave of the Feast of the titular Church. Regarding II. Negatively to the first part; Affirmatively to the second part. Regarding III. Affirmatively to the first part; Negatively to the second part, according to Decree No. 3712, Urbis et Orbis, June 28, 1889, and the General Rubrics of the Breviary, Title IX, No.

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II. Regarding IV. Negatively to the first part; It is not necessary regarding the second part; Affirmatively to the third part. And thus it was written, on February 24, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. g* S. f Petrus La Fontaine, Bishop of Charyste, Secretary. II. ATREBATENSIS. CONCERNING THE BEGINNINGS OF THE EPISTLES OF SAINT JOHN, BEFORE THE APOSTLE PAUL, THE VERSE "PRAY FOR US" IS NOT READ IN THE NONAM LECTION ON FEAST DAYS, IN THE HYMNS, IN THE PROPER HOUR, OR IN THE CONCLUSION OF THE PRAYERS. Since the Compiler of the Calendar of the Diocese of Arras, with the permission of his Most Reverend Bishop, humbly requested a solution to several doubts from the Most Holy Congregation...

[*Latin ed. p. 137*]

Sacred Congregation of Rites. 137. Having considered, with the diligent assistance of the Liturgical Commission, the following matter, and after carefully examining the report of the undersigned Secretary, the Sacred Congregation has decided to respond to the following questions in the manner indicated below:

I. The beginning of any Epistle of the Blessed Apostle Paul, which is assigned to a particular weekday and in which a portion of the Office of a Sunday after Epiphany is anticipated; just as the beginnings assigned to preceding weekdays, insofar as they are hindered on their own day, must always be recited on the preceding weekday, or even on Sunday, even if at times three beginnings are read together, and it is also necessary to omit the readings proper to a semi-double or double feast, either minor or major, throughout the year, as the occasion requires, whether these readings are proper to the feast or assigned from the Common Office. However, readings of this nature, whether proper to the feast or assigned from the Common Office, which are taken from feasts or Offices that coincide, insofar as necessity demands, are taken from those that have readings assigned from the Common Office, even if they are less important, but have proper readings for the First Nocturn; or which must be postponed to the other; or on the day on which a particular beginning falls; or finally, which occur at a later time: and if even with this arrangement all cannot be recited and restored, those beginnings are omitted that year, which otherwise would be read later, if indeed for all the beginnings a day free from feasts and double Offices of the first or second class were somehow available. Finally, the beginnings that occur after that weekday on which the entire Office of a Sunday after Epiphany is anticipated must be completely omitted that year, according to the General Rules of the Roman Breviary under Title XXVI, On the Readings, number 8; because by the complete Office of a Sunday that is anticipated, a new week begins, within which no beginnings of the preceding week can be restored.

II. The beginning of any Epistle of the Blessed Apostle Paul, which is

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otherwise assigned to a Saturday, on which, through the entire Office, or through a commemoration, a Sunday after Epiphany, together with Septuagesima Sunday, is anticipated, must always be read on one of the preceding weekdays, as stated above in number I, notwithstanding Decree number 2503. Rome, March 28, 1775. Furthermore, on that same Saturday, if the anticipated Sunday has only a commemoration, the readings of that Sunday itself are always recited. However, if a feast or Office of the first or second class is celebrated, the beginning of the anticipated Sunday is completely omitted that year, even if the preceding Saturdays have free days, since the hindered beginnings cannot be anticipated within the preceding week.

[*Latin ed. p. 138*]

138 Acta Apostolicae Sedis. - Official Commentary. III. On the Feast of St. John, before the Latin Gate, the Ninth Lesson of Matins should be considered as belonging properly to the historical account, which mentions the glorious martyrdom of this Apostle: therefore, according to Decree No. 2735, of the Order of the Capuchin Minor Friars, August 8, 1835, at IL; the same Ninth Lesson, which is prefixed to the Homily of the Feria or Sunday, or to the Ninth Lesson of a simple Feast, must be added to the Eighth Lesson of the Feast itself. IV. All the proper hymns, which do not necessarily pertain to the integrity of the historical account, such as the hymn "Te gestientem gaudiis," which is appended to the Vespers of the Feast of the Most Holy Rosary of the Blessed Virgin Mary as a summary and repetition of the others, if they cannot be recited at the hours for which they are designated, must be recited at other hours of the same day, in which another hymn, or one taken from the Common, or one that has already been recited in the same Office, must be used instead; indeed, even if a particular hymn cannot be recited at all at any hour of the day, it may be recited, without any connection with other hymns, at a preceding or subsequent hour. If, however, such proper hymns, which do not necessarily pertain to the integrity of the historical account, cannot be preserved except when joined with others, then, in the private recitation of the Office, they may be joined with any other hymns of the nearest meter, as the General Rubrics of the Roman Breviary, Title XXVI, On the Readings, Nos. 3, 4, and 6, allow for readings in the private recitation of the Office; because in the public celebration of the Office, the obligation is not arbitrary, but only necessary, and must be noted in the annual calendars. V. On the Feast of St. Elizabeth, Queen of Portugal, in Culmore, as well as in all other Offices, even votive ones, celebrated under the semi-double rite, in which the words "Ora pro nobis" are assigned to the Vespers or Lauds, the same words must be observed for the Feast or Office itself, according to the general rule observed in similar cases: and in this case, the intercession of the Blessed Virgin Mary should be invoked, both at Vespers and at Lauds, with the words "Dignare me," notwithstanding Decree No. 1918 of the Discalced

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Order of the Most Holy Trinity, December 18, 1649, at I. VI. In the Office of Blessed John Vianney, Confessor, granted to all the Churches of Gaul, the secret prayer must be read according to the approved text; and not a secret prayer, as some editions show. VII. After the Mass of the Lance and Nails of Our Lord Jesus Christ, which has been granted for certain places, as well as the Votive Office and Votive Mass.

[*Latin ed. p. 139*]

The Holy Congregation of Propaganda Fide, concerning the Feast of the Passion of Our Lord Jesus Christ, grants: To Him who lives and reigns with the same Blessed Father. And thus it responded, on March 23, 1911.

Fr. S. CARD. MARTINELLI, Prefect.

L. Eg S. f Petrus La Fontaine, Bishop of Charystenes, Secretary.

HOLY CONGREGATION OF PROPAGANDA FIDE

I. APPOINTMENTS OF BISHOPS.

By Apostolic Brief, the following were appointed:

February 9, 1911. — Rev. Fr. Francis Belleville, from the Seminary of Paris for Foreign Missions, as titular Bishop of Amisen and Apostolic Vicar of Southern Tonkin.

February 24 — Rev. Fr. Aloysius Elisaeus Fatiguet, from the Congregation of Missions, as titular Bishop of Aspendus and Apostolic Vicar of Northern Kiam-Si.

II. APPOINTMENT OF APOSTOLIC PROPREFECT.

By Decree of the Holy Congregation of Propaganda Fide, the following was appointed:

March 9, 1911. — Rev. Fr. Raymund Renatus Lerouge, from the Society of the Holy Spirit, as Apostolic Prefect of French Guiana in Africa.

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA AT FIESOLE. OF JURISDICTIONAL MATTERS. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 16th of February, 1911, the Most Reverend and Learned Fathers, William Sebastiani Ponens, Seraphinus Many, and Franciscus Heiner, Auditors from Tournon, in the case of Fiesole - Jurisdictional Matters - between the Chapter of the Collegiate Church of the town of Figline, represented by its lawful procurator, the advocate Christopher Astorri, as plaintiff, and Arthur Mazzucchelli, the aforementioned Collegiate's Prefect, as the

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defendant, with the intervention of the Bishop of Fiesole and the Promoter of Justice, rendered the following judgment. The parish church of the town of Figline, in the diocese of Fiesole, was erected into a collegiate by Pope Alexander VI by a bull dated July 30, 1493, with one dignity, which is now called the Prefectship, and twelve canonries, establishing that the care of souls of the parishioners of said church belongs to the aforementioned Chapter, but at the will of the Prefect of the church at the time. Concerning the same care, the Bishop Lawrence Della Robbia, visiting the church of Figline for the first time, in the year 1635, decreed: "That in the future there should be and ought to be three to sustain it (the care), namely, said Prefect as the principal and daily caretaker, and also two canons as assistants to him, who should be named by the Prefect at the time and afterwards confirmed in the Chapter... And if it should ever happen that none of the canons were able to sustain the burden of the care, two capable chaplains should be brought in, who, together with the Prefect, would exercise the care alternately (as mentioned above concerning the canons), at the expense of the same Chapter." This decree was approved by the Sacred Congregation of Councils on September 4, 1639, and it was ordered to be fully enforced, with the proviso that the designation of the two aforementioned assistants should be reserved to the entire Chapter, and not solely to the Prefect. To further provide for the security of souls, another Bishop of Fiesole, Raineri Mancini, ordering the execution of the decrees of the Most Excellent Duke of June 10 and August 5, 1786, on December 13 of the same year, decreed: "We declare, we decree, and we proclaim that the care of souls of the aforementioned Collegiate Church of the Most Holy Virgin of Figline, in addition to the Prefect...

[*Latin ed. p. 141*]

Saint Roman Boot. 141 "For the time being, as it is determined by its institution, the exercise of the same [office] shall be exercised and shall be exercised in fact in the future by two canonical chaplains with the title of perpetual vicars, to be elected by us and our successors, with the concurrence [of others]." After determining the principal numbers of the Prefect and the vicars, it is decreed "that two of the other canonical chaplains, in turn each month, provided that they have the faculty to hear the sacramental confessions, shall assist the Prefect and the two perpetual vicars." By the unfortunate laws of August 15, 1867, all collegiate chapters were suppressed in Italy, and therefore the assets of the Figline chapter were also seized by the Government, with only the prebend of the Prefect remaining, to which the care of souls was attached. With this unhappy suppression, the life of the Figline chapter was certainly not joyful, and it was constantly beset by difficulties, especially financial ones. Hence, in the chapter meeting of January 25, 1873, it was decreed that the Prefect should manage the administration of the remaining chapter assets, which

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had been overlooked by the Treasury, "reserving, however, the right to reclaim them in the event that a suitable allowance is paid for the expenses of worship, drawn from the chapter's assets." Some years later, Prefect Octavius Bargilli brought the Treasury to court, in order that at least part of the usurped assets be returned to him, and by the judgment of the Court of Appeal of Florencia from December 27-30, 1880, he obtained an annual income of 2016.40 Italian lire of current currency for four curates, as well as a sum of 600 lire of the same currency for the expenses of worship. With this favorable judgment, the Bishop Corsani, who at that time governed the Church of Faesula, on July 7, 1883, after omitting other matters, decreed: "That in addition to the enjoyment of the other customary parochial revenues, the Prefect shall also be paid, from the curate's share, the ancient personal prebend; 3) That the four priests who are indispensable to the Prefect for the discharge of the parochial ministry and for the functions of the sacred worship must be chosen successively by the Prefect himself, with the approval of the Ordinary, and that they must be considered as simple assistants and temporary officials, and removable at the Prefect's discretion." In other paragraphs, it is determined the amount to be paid to the four assistants of the Prefect, as well as the salary for the Chamberlain administering under the authority of the Bishop, receiving the entire sum from the government. However, the current canonical chaplains of Figline believe that the rights of the chapter are violated by such a decree, and in a suppliant petition presented to the Apostolic See, they attempt to vindicate against the Prefect not only...

[*Latin ed. p. 142*]

142 Acta Apostolicae Sedis. - Official Commentary. concerning the governance and care of souls, but also the administration of goods, which have been recovered by the Government. Hence, today, by a special commission of the Pontiff, dated August 8, 1909, the following questions are proposed for discussion, under the following agreements: I. Does the collegiate chapter of the town of Figline Val d'Amo possess both habitual and actual parochial rights, with the exception of the expeditious exercise of the care of souls belonging to the aforementioned chapter and its assistants? II. (under seal). III. (under seal). Regarding the first question. It is not immediately to be said that, because a certain parochial church is erected into a collegiate church, all parochial rights have been transferred to that collegiate church. Indeed, the erection can be accomplished in two ways. Firstly, if the care of souls, which resided in the parochial church, is transferred in property and title to the same church erected into a collegiate church, and its chapter, since the law does not prohibit the care of souls from residing with a moral person, e.g., a monastery, a college, or a chapter. Almost all of our jurists explain this mode of erection in Title 27, Book I, of the Decrees of Gregory IX, and extensively Pignatelli in the consultations

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CL-CLXIX, Volume IX. [And before the Council of Trent, when the care of souls was attached to a certain chapter, the chapter could exercise it in whatever way it wished; e.g., by appointing one, or certain, persons to it, or by deciding that each canon would exercise the care in turn. The Council of Trent took away this faculty from the chapters in Session VII, chapter 7, ordering that the care be exercised by vicars, whether perpetual or not, whether from within the chapter or from outside. Pope Pius V approved this provision and commended its execution to all bishops in the constitution *Ad exequendum* of November 1, 1567. Hence, the distinction between the habitual and actual care of souls, the former residing with the chapter, the latter with the vicar. In a few words, thus Fr. X. Wernz describes habitual and actual vicars in his Lectures, Volume II, page 1029: "To the habitual vicars, neither de facto nor de iure does the care of souls pertain to be exercised, but they can and must provide that it be exercised by some vicar; therefore, they are not true vicars, but the title of vicar serves only to preserve certain rights. The actual vicars are those who, de facto and de iure, actually exercise at least the care of souls." From this it is clear that, firstly, it is less correct to say after the Council of Trent that a single chapter possesses both habitual and actual care; secondly, that the actual care can be distinguished from the exercise of the care of souls only in name, and not in reality.

[*Latin ed. p. 143*]

Section 143. Secondly, a parish church can be raised to the status of a collegiate church, in such a way that the church, which was previously only a parish church, also becomes a collegiate church without any alteration regarding the care of souls, so that it must therefore be called both a parish and a collegiate church (Lott., *De re benef.*, Book I, question 20, number 2). In this case, all matters of care, both habitual and actual, reside with one person; and the parish has its own rector and curate. They can indeed exist together, that is, the same church can be at the same time a parish church and a collegiate church; that is, it has a single rector, with respect to whom it is considered a parish church, and yet a distinct college is established within it, so that it is independent in this regard, even though the parish priest becomes the head of the chapter and the first dignitary (Card. De Luca, *De Parochis Discur.*, XLVI, number 3). However, this must be understood with regard to the subject of care, or parochiality, but not with regard to the exercise of that care itself. For the right of care, or parochiality, insofar as it concerns jurisdiction, belongs to an individual, but not the exercise of that care itself. Therefore, it is not surprising that a parish church can be raised to the status of a collegiate church without any alteration regarding the care of souls, and the exercise of that care is demanded from the members of the chapter, but still under the dependence of the parish priest: in this hypothesis, the chapter could also be called a parish college,

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and the chapter members become vicars and assistants to the parish priest, but they lack the true nature of a parish. With these things established, Alexander VI, in the bull by which the parish church of Figline was raised to the status of a collegiate church, as mentioned above, decreed that the care of souls belonged to the chapter, but at the will of the Prefect, and he also granted the Prefect the power to collate, provision, and in every way to dispose of the benefices established in that church; and also the right to correct and punish the canons and other persons attached to that church. From this, it is clear that the Prefect is the principal priest, and that the canons are indeed called to exercise the care, but at the will of the Prefect and under his authority, direction, vigilance, correction, and punishment, "so that the chapter or canons are true vicars of the Prefect." The same is derived from the chapter constitutions drawn up in the years 1510 and 1614. Although these things seem clear, the Bishop of Karlova, visiting the church of Figline, taught us that there was a difference of opinion between the Prefect and the canons as to whether the care of souls belonged to the Prefect or the chapter, and he resolved the controversy with a decree in which the Prefect is declared to be the principal and daily caretaker, and it is decreed that two canons must be appointed as assistants to the same Prefect. The decree was issued with the consent of seven canons and was approved by the Sacred Congregation. Therefore, even if we were to admit that Alexander VI...

[*Latin ed. p. 144*]

144. Acts of the Apostolic See. - Official Commentary. It is clear from his bull that he wished to transfer all the rights of the parish church of Figline to the Chapter of the new collegiate church; and it is certain that, according to the decree of RÃ¶dby approved by the Sacred Congregation of Councils, a true innovation was introduced, according to which the Prelate of S. M. of Figline must be called and is the true parish priest; while the canons are to be called assistants to the Prelate. It is the duty of the assistants to help the Prelate within the Chapter of Figline: a duty, because the canons must exercise the care of souls under the authority of the Prelate; a right, because the Prelate cannot admit anyone else to assist him in the exercise of the care of souls, except for the canons. Therefore, the Sacred Congregation of Councils ordered that two canons be appointed to assist the Prelate, not solely by the Prelate, but by the Prelate and the Chapter. These points are confirmed by the actions of the Prelate Raineri Mancini, who, by his decree of December 13, 1786, restricted the care of souls granted by Alexander VI to the Chapter of S. M. of Figline to two canons, whom he calls perpetual vicars, and also to two other canons, who, as needed, should assist the Prelate and the vicars, and this under the authority of the Prelate, who, according to his institution, presides over the exercise of the care of souls. Indeed, only the true parish priest presides over the exercise of the care of

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souls, who possesses both habitual and actual care, and since one church must have only one priest, according to chapter 15, title V, book III, of the decrees of Gregory IX, those who are called to exercise the care of souls can claim no other right than to assist the parish priest; hence, it is correct that in the aforementioned decree, the four canons to whom the care of souls was restricted are called vicars and assistants. This is so true that the Bishop Mancini, in determining the duties of the Prelate and the vicars, initially only imposes the duty of celebrating Mass for the people. If the Chapter has been accustomed to give some alms to the Prelate on the occasion of this Mass, this was given not as a stipend, as if he were making him celebrate this Mass, but in the manner of some kind of chapter distribution, or for reasons of external inconvenience. After these points, it is unnecessary to present the records of pastoral visits, or the acts of the meetings of the Chapter of Figline, or the bulls of institution of the Prelates of S. M. of Figline, or other documents that are available in the archives. For this would be a lengthy matter, and would only provide conjectural proof, whereas what has been said demonstrates it most convincingly. Nor can certain actions be cited as contradictory; such as the appointment of a preacher during Advent and Lent, the participation of the Chapter in the funeral of a fourth person, the signing of parochial documents with the seal.

[*Latin ed. p. 145*]

145 chapters, and other similar matters; for all these things do not prove that the chapter holds the office of parish priest. Firstly, I observe that not all of the facts presented are listed among the strict parochial rights. Secondly, it must be noted that not all of these actions are attributed solely to the Chapter, but to the Provost and the Chapter together. Finally, when there have been various and continuous controversies between the Provost and the canons, it is not surprising that, perhaps on one occasion or another, some parochial right was granted to the Chapter through a friendly agreement between the disputants. However, the exercise of one or the other parochial right is not a certain sign of parochiality. From all of this, it is concluded that the Chapter of Figline does not possess any parochial rights, but only the right to assist the Provost in the care of souls. But this right, too, was granted to the Chapter by a decree of the Bishop Corsani, on July 7, 1883. Regarding the second question: (under seal). Regarding the third question: (under seal). Having carefully and thoroughly considered all of these matters, We, the undersigned Auditors, sitting for the Tribunal, invoking the name of Christ, and with God alone before our eyes, respond to the three proposed questions: Regarding the first, negatively; Regarding the second and third, (under seal). Thus We decide, declare, and pronounce judgment, also stipulating that the judicial expenses are to be borne equally by the parties. Thus We pronounce, ordering the Ordinaries of the places

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and the ministers of the Tribunals to whom this pertains, to enforce this Our definitive judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially canon 3 of the 25th session of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. In Rome, on February 16, 1911. L. Eg S. Sac. Tancredes Tani, Notary. William Sebastiani, Clerk. Seraphinus Many, Franciscus Heiner.

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis. - Official Commentary. CONCERNING THE JURISDICTION OF MARSORUM. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 24th of February, 1911, the Most Reverend Fathers, William Sebastiani, Prefect, Seraphinus Many, and Franciscus Heiner, Auditors of Tournon, in the case of Marsorum-Iuriura, between the Reverend Anthony Nitoglia, represented by the legitimate advocate Vincent Sacconi, and the Reverend Dominic De Angelis, represented by the legitimate advocate Henry M. Pezzami, with the intervention and participation of the Promoter of Justice, rendered the following definitive judgment. The Reverend Dominic De Angelis, Archpriest of the Church of the Most Holy Savior in the town of Oricola, in the diocese of Marsorum, desiring, for various reasons, to relinquish his parish, negotiated and obtained from the Most Holy See an annual pension of 600 florins, and successfully overcame the competition to obtain another parish in the locality of "Gioia de Marsi." Meanwhile, the Ordinary called the Reverend Anthony Nitoglia to the vacant parish of Auriculense, who was then residing in Rome for his studies. He initially accepted this appointment, but subsequently followed the wishes of his Bishop. However, feeling burdened by the annual pension assigned to the parish, he agreed with Dominic to redeem it by paying a single sum of money. Regarding this matter, on April 2, 1909, an agreement was concluded and signed by the parties and by the Bishop, whereby the Reverend Dominic De Angelis, at the mandate of the aforementioned Bishop, undertook to administer the parish of "Gioia de Marsi" as its pastor, and the Reverend Nitoglia was assigned the care of souls in the parish of Auriculense "as representative of De Angelis." However, when Dominic realized that he was facing serious difficulties in his new residence, after three days, with the consent of the Bishop, he returned to his former parish, and the Reverend Anthony Nitoglia was transferred by his Ordinary to administer another parish. However, Mr. Nitoglia considered the agreement of April 2, 1909, to have been violated to his detriment, and brought the matter to the Sacred Tribunal, through a special commission of the Pope, dated September 15, 1909, and today the case is being considered with the following agreed-upon questions: 1.° Whether the instrument of April 2, 1909, should be enforced in such a way that the Reverend Dominic De Angelis must relinquish the parish of the

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town of Oricola, and whether it should be transferred by the Bishop to the priest Nitoglia in this case.

[*Latin ed. p. 147*]

Saint Roman Bota. 147 SL°. Regarding the question of whether, and in what manner, the restoration of damages, both material and moral, is due to the Reverend Nitoglia in a certain case. Concerning the first doubt. It has always been the practice of religious orders, everywhere, to observe agreements, whether these agreements were made through simple consent or through a public document. For once contracts are duly celebrated, a certain obligation arises between the contracting parties, which is recognized by law, whereby one party is obligated to fulfill his promise to the other, unless a legitimate reason for withdrawing from the promise exists. However, since the nature and extent of the obligation depend on the will of the contracting parties, as can be gathered from the contract itself, it is necessary to refer to the terms of the agreement in order to fully understand the meaning of the instrument. With these premises, it is necessary to distinguish, in the agreement of April 1909, between the narrative or preparatory part, which contains the aforementioned points, and the substantial or dispositive part, in which the essence of the agreement is included. Indeed, in the aforementioned points, it is stated only that the Reverend De Angelis obtained the parish of "Gioia de' Marsi" and also obtained, from the Sacred Congregation, the right to retain an annual sum from the parish of Auriculense; and that the Bishop would obtain from the Apostolic See the authority to replace the parish priest De Angelis with the Reverend Nitoglia. It is written there: "Considering that D. Domenico De Angelis has been assigned to the parish of "Gioia de' Marsi" with a positive outcome, and that he has obtained from the Sacred Congregation the right to retain an annual pension from the parish of Oricola. Considering that the Bishop, with special apostolic faculties, will appoint the Reverend Anthony Nitoglia to succeed the parish priest of Oricola who is resigning, etc." Therefore, there is no doubt that no renunciation whatsoever is contained in the aforementioned points, from which any right could arise for either of the contracting parties. But neither is there a renunciation in the body of the agreement. Nowhere are there words used that would indicate or consecrate a resignation; rather, it is clear from the agreement that no resignation was made. First, it is a matter of the payment of a pension, or of the manner in which the sum of money to be paid in lieu of the pension must be paid by Anthony. Then it is stipulated: "The Reverend Nitoglia will pay the pension when the Reverend De Angelis has been canonically and civilly removed from all rights in his Church, and therefore, when he has been canonically elected and, consequently, authorized to receive the Royal Approval." From these points, it is clear that the time for the payment of the pension is to be determined according to the terms of the agreement,

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for a future time, when the parish priest De Angelis has been removed from all rights, both canonically and civilly. It is therefore clear that De Angelis had not left at that time, otherwise a condition would have been added to the contract, which would already have been fulfilled. Furthermore, after the payment of the pension is stipulated in the agreement, it is stated that the priest-

[*Latin ed. p. 148*]

148 Acta Apostolicae Sedis. - Official Commentary. Immediately, De Angelis would be assigned to the parish of "Gioia de Marsi," and Nitoglia to the parish of Auriculense; and this would continue "until the transfer of the parish." Indeed, Anthony wished that Dominic would relinquish the parish of Oricola at the time the agreement was made, as can be gathered from the letter of R. D. Lispi, the General Vicar of Marsorum, dated February 25, 1910, and also from his testimony, which reads as follows: "Nitoglia insisted and demanded that De Angelis 'had renounced the parish'... but this, I replied, because he would be deprived of a benefice." And the Bishop himself wrote: "Reverend Nitoglia insisted that D. De Angelis formally issue the renunciation, 'and I and the Vicar repeatedly told him that such a renunciation could not be granted.' Therefore, the agreement, concerning which we speak, contains no mention of the relinquishment of the parish. But neither does it include a promise of relinquishment, which, if it had been expressed, since it would imply a pact between two parties, would have constituted a true contract. However, there is no trace of such a promise in the aforementioned instrument; which leads one to believe that, on the part of Dominic, there was an intention to relinquish his Church. And in this sense, the words "relinquishing the parish" should be understood, which are read in the preamble of the agreement; as well as the expression "given the goodness of the benefice to which I relinquish," which appears in Dominic's letter to the Bishop dated March 1, 1909. (See Summary for A. Nitoglia, no. 2) As is evident from the letters that Dominic wrote before the agreement, he truly intended to relinquish the parish of Auriculense. However, this intention was subject to many conditions, both on the part of the Roman Pontiff, namely that he would provide the necessary funds for the redemption of the pension; and especially on the part of the parish of "Gioia de Marsi," for which he had already overcome the danger of competition. He intended, namely, to exercise the care of souls in a new parish freely and peacefully, and to have sufficient income to live and to provide for himself and for his parents, who were in need. With regard to this, the Bishop wanted Dominic, before relinquishing his parish, to transfer to the parish of "Gioia de Marsi" and to personally observe the state of affairs and the people there. "After the agreement with Reverend Nitoglia," (writes the Bishop) "I wanted Domenico De Angelis to go 'immediately to Gioia...' However, it was agreed that he would go there to

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'see for himself the true state of affairs and to observe whether and how he could be accommodated there.'" This is confirmed by D. Ancangeli, the External Vicar, with these words: "It was then that the Bishop proposed the parish of 'Gioia de Marsi' 'where he could be well, physically, morally, and financially... The Bishop himself then made the proposal to Nitoglia in order to..."

[*Latin ed. p. 149*]

14. Concerning the matter of the Roman See. "Regarding the modalities, seeking to agree on the sum to be 'paid.' De Angelis responded to the Bishop, that if things were as the Monsignor assured him, he would accept the parish of Gioia de Marsi. Invited by the Bishop, both went to see him, where they made an agreement which I read once, and which gave me the impression of a contract that, as a renunciation, had no value whatsoever. The intention was not to exclude De Angelis from the possibility of returning to Oricola... should the declarations made to him by the Bishop not be fulfilled." The same thing is asserted by the Reverend De Rossi, Canon of the Cathedral Church of Marsorum, whose deposition does not need to be corrected as suspected, as asserted by the Patron, Father Nitoglia. For there is no legal proof of suspicion in the records; rather, the deposition under oath is held to be true, and, most importantly, it agrees with the testimonies of other witnesses. Therefore, Father Rossi testified: "After the agreement, De Angelis came to dinner with me, and with the professors of the Seminary, and he said that he had made a certain agreement with Nitoglia, that he would go the next day to Gioia de Marsi to see if that parish residence was suitable for him. Knowing the difficulties he would encounter, I repeated to him the words of Dante: 'Here shall your nobility be revealed.' It seemed that he paled, and then he said: 'If it does not suit me well, I will return to my parish,' and after a few other observations, he said that he had repeatedly told the Bishop, in the presence of Nitoglia, both before and after signing the contract, that he did not intend to renounce and to give any value to that act unless he was well assured of his new residence and provision." Furthermore, these reasons, known to the Superior, are the basis for those mentioned in the agreement. "For reasons known to the Superior, the Reverend De Angelis, from April 3rd of the current year, will assist the parish of Gioia as a curate and administrator, etc." Therefore, the plan that Dominic should relinquish the parish of Auriculense was entirely conditional, namely, that he should be able to freely exercise his ministry in the parish and find sufficient income to support himself and his family. Therefore, when he arrived at the parish of Gioia de Marsi, and there, as almost all witnesses testified, he found everything contrary to his hopes and expectations, it is not surprising that he immediately returned to the parish of Oricola. Therefore, the Bishop himself, although he had previously rebuked Dominic for so suddenly changing his mind, neverthe-

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less, after hearing what Dominic reported about his brief stay in the other parish, allowed him, indeed, he wanted him to return to his former parish. Therefore, it must be said that the instrument of April 2, 1909, does not obligate Dominic De Angelis to relinquish the parish of Oricola. ACTA, vol. III, n. 4. — March 31, 1911.

[*Latin ed. p. 150*]

Acts of the Apostolic See. - Official Commentary. Regarding the second question, it must be noted that the matter of compensating for damages is almost entirely dependent on the case presented in the first question; that is, whether the agreement is to be enforced. However, we have seen that the Reverend De Angelis has rightfully exercised his rights, having returned to the parish of Auricule and having caused no injury to the Reverend Nitoglia; for he acquired no right to hold that same parish. Therefore, if the Reverend Dominici perhaps suffered some damages due to the manner of acting, these certainly are not to be repaired by the same Dominici, since they arose without his deceit or fault. The words of chapter 9, title XXXVI, book V, decrees of Gregory IX are clear: "If, through your fault, damage has been caused or injury inflicted, or if you have aided those who have inflicted such injury, or if these things have occurred through your ignorance or negligence, you are obligated to make amends for them by law, and ignorance will not excuse you, if you ought to have known that, from your actions, injury could likely occur or be caused." This is confirmed by chapter 6 of the same title, which deals with those who voluntarily inflict damages. It cannot be said that the aforementioned damages are at least to be repaired by the Bishop, since he rightfully and by ordinary power used it both when he called Anthony from Rome to the diocese, and when, in violation of the agreement, he reinstated Dominici in the parish on April 2, 1909. Furthermore, the Bishop did not fail to assign the Reverend Nitoglia to another parish. After duly considering these matters, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and with only God before our eyes, respond to the proposed questions as follows: to I, No; to II, No, to the first part; to the second and third, provision is made in the first. Thus We decide, declare, and definitively sentence. Regarding the judicial expenses, We decree that the Reverend Anthony Nitoglia shall bear only his own expenses, by the firm decree of the Reverend President concerning free legal assistance in favor of the Reverend Dominici De Angelis. Thus We pronounce, ordering the Ordinary authorities of the place and the officials of the Tribunal to whom this pertains, to enforce this Our sentence, and to proceed against those who resist, according to the sacred canons, and especially Canon 3, Session XXV, of the Council of Trent, using the executive and coercive means that may be more appropriate for the circumstances. Rome, on the 24th of February, 1911. L.)$(S. Reverend Tancredus Tani, Notary. William

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Sebastiani, President. Seraphinus Many. Franciscus Heiner.

[*Latin ed. p. 151*]

Secretariat of State. 151. SECRETARIATUS STATUS EPIS TOLAE I. AD MARIAM T. LEDOCHOWSKA, TATIS A S. PETRO REVERENTER COMITISSAM, MODERATRICEM GLAVER NUNCUPATAE, OB VOLUMINA GENERALEM SOCIETEM BEATISSIMO PATRI EXHIBITA.

Madame la Comtesse,

The Most Holy Father has received with particular benevolence the tribute which you requested me to present to Him, namely, "The Echo of Africa" and the "Small African Library" of the year 1910, published in various languages by the Society of Saint Peter Claver, as well as two volumes in the Mashona language for Rhodesia, and in the Gengbe language for Dahomey, printed in your printing house in Salzburg.

It was very consoling for His Holiness, Who follows with special interest and a paternal heart the work of the Missionaries in their sublime ministry of Catholic evangelization, to learn of the consoling results obtained during the past year. While He implores the Divine Master to multiply the number of evangelical workers, and to cause to grow and flourish in their field an ever more abundant harvest of graces and salvation, the Most Holy Father, with all His heart, sends, along with His thanks for your filial tribute, the Apostolic Blessing upon yourself and upon all the members of the pious Society of Saint Peter Claver.

I thank you most sincerely for the copy of "The Echo" which you kindly offered me, and I gladly seize this opportunity to express to you, Madame la Comtesse, with my best wishes, my most devoted sentiments in Our Lord.

Rome, 23 January 1911.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 152*]

Acta Apostolicae Sedis. - Commentarium Officiale. 152 IL AD R. D. CANONICUM LECIGNE, it is written: "DEDICATED TO OBEDIENCE. TWO VOLUMES OFFERED ON ACCOUNT OF DEVOTION TO THE WORK." To the Most Blessed Father, Monsieur le Chanoine: The Holy Father received with very particular benevolence the two volumes of the beautiful work entitled: "From Dilettantism to Faction," which you offered to Him in your capacity as professor of French literature and dean of the faculty of Letters of the very meritorious Catholic University of Lille. His Holiness considers it highly desirable that judges of your merit and competence work with zeal to evaluate the literary and philosophical works of contemporary writers, not only according to the rules of art, but

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also in the light of the eternal principles of Catholic dogma and morality. How rightly you establish as a fundamental rule that there are intangible truths, and that works are great works only to the extent that they conform to them! The Holy Father warmly congratulates you on dedicating your beautiful talent, in your professorial chair, in your books, in journals and in the press, to the defense of Christian truth, of the Acts of the Apostolic See, and of the great traditions of the French nation. He calls down upon your works, already so fruitful for the good, all heavenly blessings, and, as a pledge of His paternal benevolence, He sends you the Apostolic Blessing. With my thanks for the copy of your work which you kindly offered me, I beg you, Monsieur le Chanoine, to accept the assurance of my devoted sentiments. Rome, 6 February 1911. L. g* S. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 153*]

Secretariat of State. 153 III. TO THE DISTINGUISHED M. HENRICUM, CONCERNING THE HISTORY OF THE STUDIES WHICH ARE CARRIED ON IN THE MOST BLESSED COLLEGE OF LUCIAN, TOGETHER WITH M. BRUN, PRESIDENT OF THE SOCIETY, IN GRATITUDE FOR THE LETTER. Monsieur, it has been pleasing to me to bring to the knowledge of the Holy Father the interesting news which you were kind enough to communicate to me, in your obliging letter of the 24th of January last, concerning the "Society of Historical and Literary Studies" and the eloquent conference recently held therein by the Reverend Father Fontaine, S.J. It is a precious comfort to the Supreme Pontiff to learn with what filial obedience, with what generous eagerness, His directions, His teachings, are received, and with what zeal true Catholics, and souls of excellence, work to spread the knowledge and salutary benefits thereof in society. The Holy Father is pleased to congratulate your society, which is honored to count among its lecturers illustrious members of the Episcopate and of Religious Orders, for its devotion to the Church and the Holy See, and for its fidelity in following His teachings. While He thanks you, Monsieur the President, for this new expression of filial submission which you have had the happy thought to address to Him on behalf of the Society of Historical and Literary Studies, His Holiness sends, with all Her heart, the Apostolic Blessing to you personally, and to all its Members. I gladly seize this opportunity to express to you, Monsieur the President, my distinguished sentiments. Rome, 12th of February, 1911. L. S. R. CARD. MERRY DEL VAI.

[*Latin ed. p. 154*]

Acta Apostolicae Sedis. - Official Commentary. 154 IV. TO THE MOST ILLUSTRIOUS COUNT, STANISLAUS MEDOLAGO, PRESIDENT OF THE CATHOLIC UNION OF ITALY, REGARDING NEW CONSTITUTIONAL DOCUMENTS FOR ALBANI.

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Most Illustrious Count,

It is with great pleasure that I submit to Your Eminence the new Statutes of the Catholic Union of Italy, which the Holy Father, Pope Pius X, intends to substitute for the current ones. The modifications and additions contained therein, as Your Eminence will observe, have all been suggested by experience and the progressive development of social organizations, and their sole purpose is to remedy those defects that practice has revealed, and to make the Union more capable of fulfilling its many functions, and, with this, to achieve the highest purpose for which it was established.

This new Statute, therefore, constitutes a further proof of the Apostolic solicitude of the August Pontiff for Catholic action in general, and particularly for the Catholic Union, to which He has today deigned to devote His paternal care. And without a doubt, all the federations and institutions, numerous as they are, that have arisen within this larger organism, and all those in Italy that have given their name to the Union, will recognize this as such, and receive it with a heart full of filial gratitude, with the spirit of well-disciplined soldiers, always ready to follow those directions that their supreme leader may choose to indicate in order to lead them to more prompt and more fruitful conquests.

As established in Article 12, the new Statute will come into effect on March 1st of the current year. And within two months from that date, the Presidency of the Union must convene the Assembly, so that the new Council may be appointed.

And so that everything may be accomplished with that spirit of Christian charity and social harmony that must go hand in hand with the due and unlimited obedience to ecclesiastical authority in Catholic institutions, and to form the most coveted boast, His Holiness impartially grants to Your Eminence and to all those who are members of the Catholic Union of Italy, the Apostolic Blessing, as a wish for the appropriate help of Divine Grace.

In the meantime, I take this opportunity to reaffirm the sentiments of my distinguished esteem.

Rome, February 15, 1911.

L. S. R.

CARD. MERRY DEL VAL.

[*Latin ed. p. 155*]

Diary of the Roman Curia. 155 DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. ORDINARY CONGREGATION. On the 21st day of the month of March, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals belonging to the same gave their

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vote on the following causes:

I. Introduction of the cause for beatification and canonization of the Servant of God, John M. Robert de la Mennais, Priest, Founder of the Congregation of the Brothers of Christian Instruction of Ploërmel and of the Daughters of Providence of Saint-Brieuc.

II. Granting and approval of the proper Office in honor of the Blessed Anthony Manzoni, commonly known as Pellegrini.

III. Confirmation of the election of the Blessed Virgin Immaculate as Patroness of the diocese of Crookstori.

IV. Review of the writings in the cause for beatification and canonization of the Venerable Servant of God, Louise Borgiotti, Co-foundress of the Institute of the Sisters of Jesus and Mary.

V. Review of the writings in the cause for beatification or declaration of martyrdom of the Servants of God, Raphael Captier, Priest, and his companions, of the Order of Preachers.

BY NAME: By a note from the Secretariat of the Sacred Congregation of Rites, authorized by the Holy Father, the following were appointed:

July 4, 1910. — Monsignor Scipione Tecchi, member of the Historical-Liturgical Commission. — The Reverend Father Elia Coccia, of the Carmelites of the old observance, member of the Liturgical Commission.

February 11, 1911. — The Reverend Monsignor Carlo Grosso, Substitute Chancellor of the Sacred Congregation of Rites.

SACRED ROMAN ROTA. The Reverend Professor Monsignor Luigi Gamberini was appointed as assistant to Monsignor Giuseppe Alberti, Auditor of the Rota.

SECRETARY OF STATE. APPOINTMENTS. The Holy Father, by a note and by a Brief from the Secretariat of State, deigned to appoint:

Apostolic Protonotaries, as if participating:

January 24, 1911. — Monsignor Lazzaro Garnier, of the diocese of Nevers.

March 8, 1911. — The Reverend Giuseppe Adamo Zuk, General Vicar of the Archbishop of Sarajevo.

March 11. — Monsignor Tommaso Francesco Doran, General Vicar of the diocese of Providence.

March 15. — The Reverend Emilio Fleiter, General Vicar of the diocese of Quimper and Léon.

[*Latin ed. p. 156*]

156 Acta Apostolicae Sedis. - Official Commentary. Domestic Prelates of His Holiness: March 8, 1911. — The Reverend Vincenzo Stieber, titular Abbot of St. James of Heren, and parish priest of St. Teresa in Budapest. March 14. — The Reverend Don Edoardo Devlin, General Vicar of Winona.

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Apostolic Missionary: March 16, 1911. — The Reverend Pietro Vernet, of the Archdiocese of Lyons. HONORS His Holiness, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Order of St. Gregory the Great, with insignia: March 14, 1911. — To Mr. Comm. Adolfo Ritter von Zambaur, Austro-Hungarian Consul in Shkodër. The Order of St. Gregory the Great, civil class: December 29, 1910. — To Mr. Filippo Dengel, Professor at the University of Innsbruck (Austria). March 9, 1911. — To Mr. Giorgio Carlo Casimiro de Boulloche, of the Archdiocese of Paris. March 14. — To Mr. Giuseppe Maria Crostarosa, Doctor of Laws. Knight of the Order of St. Gregory the Great, civil class: March 11, 1911. — To Mr. Saladin Zia, surgeon, of Shkodër in Albania. Knight of the Order of St. Sylvester the Pope: February 24, 1911. — To Mr. Andrea Gassner, of the Diocese of Ljubljana. PAPAL HOUSEHOLD BY NOMINATION The Holiness of our Lord, with a letter from His Excellency Monsignor, the Major Domo, deigned to appoint: Honorary Secret Chamberlains: March 6, 1911. — Mons. Teodorico De Angelis, of the Archdiocese of Benevento. March 14. — Mons. Lazzaro Durazzo, of the Diocese of Siracuse; — Mons. Giovanni Marangó, of the Diocese of Siracuse. Honorary Secret Chaplain: March 14, 1911. — Mons. Gabriele Provilenghios, of the Diocese of Siracuse. NECROLOGY March 1911. — Mons. Goffredo Marschall, titular Bishop of Ortosia, auxiliary of Cardinal Gruscha, Archbishop of Vienna. — Mons. Giovanni Antonio Forest, Bishop of St. Anthony in Texas. — Mons. F. Tommaso Maria Granello of the Order of Preachers, Archbishop of Seleucia of Syria, General Commissary of the Holy Congregation of the Holy Office.

[*Latin ed. p. 157*]

Year III. - Vol. III. April 29, 1911. No. 5. OFFICIAL COMMENTARY OF THE APOSTOLIC SEE. ACTS OF POPE PIUS X. APOSTOLIC LETTER CONCERNING ARCHISODALITIES. THE SAME EXTENDS THE FACULTY GRANTED TO THEM TO ADD SOCIETIES TO THEMSELVES, AND THE SAME IS APPLIED TO THE INSTITUTE NAMED "THE HOLY HOUR" THROUGHOUT THE WORLD, INCLUDING FRANCE, AND TO THE SOCIETIES ALREADY TO BE ADDED TO THE SAME IN THE DIOCESE OF AUGUSTODUNUM. BELGIUM. POPE PIUS X. FOR THE PERPETUAL MEMORY OF THIS MATTER. — We willingly grant a privilege to pious sodalities, which, by the fruitful example of religion and piety, have incited other groups to imitate their works, so that they may freely add similar associations to themselves, and share with them the indulgences obtained. Among such confraternities, which have certainly deserved well of the Church, is undoubtedly to be counted that which is called "The Holy Hour," canonically established in the chapel of the Visitation nuns in Paredi, commonly known as "Paray-le-Monial," in the Diocese of Augustodunum, and which, since the year 1886, was erected by Our Predecessor, the Most Reverend Pope Leo XIII, into an Archisodalitas,

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and this especially with the favor that other sodalities of the same name, both in all of France and in Belgium, were permitted to be added to it. Now, since these devout associations have happily been spread to all parts of the world, especially in recent times, and since the Directors of the aforementioned Archisodalitas have offered us fervent prayers, so that We might deign to extend to them the faculty of adding societies, which We have already granted, now throughout the entire world, We, being persuaded that this will always contribute more to the greater glory of God than to the greater good of souls, have judged it fitting to grant these pious requests. Therefore, to the officials and members present and future, We record the following.

[*Latin ed. p. 158*]

Acts of the Apostolic See. - Official Commentary. By the present tenor of Our Apostolic Authority, We perpetually grant and bestow upon the delayed Archsodality of the "Holy Hour," established within the confines of Fismes, within the Diocese of Autun (-Chalon-sur-Saone-Macon-Cluny), that, observing the form of the Constitution of Pope Clement VIII, Our Predecessor, and other Apostolic ordinances promulgated above, wherever there may be names and Sodalities of the same institute among the nations, they may lawfully aggregate them, and may likewise lawfully communicate to these sodalities all and each of the indulgences which they have already obtained from the Holy See, and which it is permissible to grant to others, and may validly avail themselves of them. We decree that these present Letters shall always exist and be valid and efficacious, and shall fully produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, or may pertain, and that in all matters concerning these things, they shall be considered to be, and that they shall be declared void and null, if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-seventh day of March, 1911, in the eighth year of Our Pontificate. R. Card. MERRYDELVAL, Prefect of the Secretariate of State. L. © S. II. THE ABBEY OF PONTI IS ERECTED INTO A BASILICA MINOR. PIUS PP. X. For the perpetual memory of this event. — The illustrious family of St. Benedict, which has already earned great merit for religion, as well as for human studies and liberal arts, now adds a new honor to itself with the restoration of the historical Abbey of Pontida to its former glory. This monument, a most significant memorial of glorious deeds, but almost destroyed by the ravages of time and human negligence, now rises again, thanks to the care of Abbot John, under the Presidency of the Holy Father and the Congregation of Monte Cassino, with the support of the Bishop of Bergamo. From this Abbey, the blessed Albert founded and dedicated a most celebrated cloister to St. James the Greater as early as the year 1576. Our Predecessors,

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the Roman Pontiffs, and virtuous princes, have aided this Abbey, both by increasing its possessions and privileges, and by protecting it with their authority. This sacred bond, struck within the pious walls of the Abbey, which have been restored this year, dates back to the year 1576.

[*Latin ed. p. 159*]

Acta PP. X, 159, concerning the common enemy of religion and of the fatherland. The most magnificent temple, a specimen of Gothic-Lombard art, together with the contiguous monastery, was ravaged by a terrible fire in the year 1573, but afterwards, when the territory of Bergamo passed into the jurisdiction of the Republic of Venice, it shone with new splendor. When, at the end of the fifteenth century, the same Abbey was incorporated into the Benedictine Congregation, it truly reached the height of its prosperity, and for three centuries it flourished with the amplitude of the conventual buildings, the ornamentation of works of art, the number of monks, and the splendor of divine worship. However, in the year 1796, the monastery was plundered by the French government, and the Cassinese monks, then abandoned, saw the buildings of the Abbey, even converted into a workshop, come to that final ruin, from which, happily, the aforementioned Abbot, with the support of the people, is now vindicating them. We have learned, and it brings great solace to our hearts, that the Fathers of the Cassinese Benedictine Congregation, since the fifth day of January of the year 1909, after a period of one hundred and ten years of absence, have once again taken possession of that historical Abbey, and that the Church and the attached parish, by decree of the Congregation of the Council, with the approval of the Bishop of Bergamo, have been declared regular. We have also received the remains of the Blessed Albert, founder of the Abbey of Pontida, which, with the permission of the Ordinary, were brought from the city of Bergamo to the same Abbey temple, to be reverently placed in that very spot where he, while alive, illuminated with his sanctity. Now, since the Benedictine Fathers are about to re-enter the Abbey of Pontida on the thirtieth day of the month of April, after the completion of the restoration works, and since the beloved son, Abbot John, Prefect of the Cassinese Benedictine Congregation, has earnestly implored us, so that, in order to perpetuate both the income of these monks and the memory of the translation of the body of the Blessed Founder, we might deem it fitting to elevate the Abbey temple of Pontida to the dignity of a Minor Basilica, we believe that, in order to add the blessing of the Pontifical will to the auspiciousness of the event, we should gladly grant our assent to these requests. Therefore, with our Apostolic authority, by the present document, we declare the Church, with the title of Saint James the Greater, belonging to the Abbey of Pontida, of the Cassinese Order of Saint Benedict, to be a Minor Basilica, and we choose and declare it as such, granting it all the rights, honors, and privileges that rightfully belong to the Minor Basilicas

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of this city. We decree that these present letters shall always remain firm, valid, and effective, and shall have their full and complete effect, and that they shall fully apply to those to whom they apply, or will apply in the future, and that, in the aforementioned matters, everything shall be duly judged, and that, if anything is done to the contrary, it shall be considered void and of no effect.

[*Latin ed. p. 160*]

Acts of the Apostolic See. - Official Commentary. 160, concerning those things which, by anyone, whether knowingly or unknowingly, may have been attempted. Notwithstanding all contrary things. Given in Rome, at St. Peter's, under the seal of the Fisherman, on the fourth day of April, 1911, in the eighth year of Our Pontificate. R. Card. MERRYDELVAL, Prefect of the Secretariate of State. LETTERS. I. TO THE BELOVED SON, REVEREND FATHER, OUR BROTHER, JOHN, TO THE MOST HOLY VITALIS, GERVASIUS, AND PROTASIUS, TO THE MOST REVEREND CARDINAL PUZYNA, BISHOP OF CRACOW, CELEBRATING THE QUINTESSENTIALLY FIFTH ANNIVERSARY FROM THE BEGINNING OF HIS EPISCOPATE. Beloved Son, greetings and the apostolic blessing. – A most fitting occasion for confirming the singular benevolence with which We regard you is offered by the approaching days, dedicated to the Virgin Mother of God; a day which, pleasing to all, will be most auspicious for you, in memory of the fifth anniversary from the beginning of your episcopate. Therefore, joined with your endeavors, We wish to add expressions of Our joy, and to congratulate you, for having, through divine grace, attained this worthy milestone in the service of the Church. Our wishes, however, are that the remembrance of the things accomplished by you during that time for the salvation of your beloved flock, and Our approval of you, may encourage and strengthen you. Although what is more fitting for banishing all the sorrows of life than to partake daily, as is your custom, at the table of the strong? Strengthened in this way, you will not only bear the inconveniences of ill health with moderation and wisdom, but you will also find joy in tribulation, so that you may repeat the words of Paul: "I rejoice in all my tribulations." Meanwhile, We, for whom the usefulness of your ministry and the estimable life are known, offer prayers to Almighty God, that, with restored strength, you may enjoy the long use of life. May the Virgin, greeted by the Angel, be present, who today, with the honor of divine motherhood, began to receive all the sorrows of mortals within herself. May she protect you with maternal eyes; may she sustain your hope and Our own. May the apostolic blessing, a harbinger of heavenly grace, be imparted to you, beloved Son, and to the entire clergy and faithful people entrusted to your care, with abundant charity. Given in Rome, at St. Peter's, on the fourth day of March, 1911, in the eighth year of Our Pontificate. PIUS

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PP. X.

[*Latin ed. p. 161*]

161. Acts of Pope Pius X. TO HIS MOST EXCELLENT LUITPOLD, HAPPILY REIGNING AS KING OF BAVARIA, WHO IS APPROACHING HIS NINETIETH YEAR. Most beloved son in Christ, greetings and apostolic blessing. — As the ninetieth anniversary of your birth approaches, We, with the will of Bavaria, join the citizens in celebrating this most auspicious day, with unanimous joy and abundant expressions of happiness; and We offer you, whom the most pleasing customs of study and office have made most dear to Us, our heartfelt congratulations: not only for the fact that you have enjoyed so abundant a share of the gifts and benefits of God in this life, but especially because you have surpassed the number of your years with the multitude of good deeds you have accomplished. And We congratulate you deservedly, since the crown of dignity, old age, is found in the ways of justice (Proverbs 16:31). May the divine graces assist you more and more each day, and may the life of so excellent a prince not be ended by the passage of time, but by the merit acquired, which this present age will celebrate, which future generations will contemplate, and which the just Judge will adorn with glory that will never perish. These, most beloved son in Christ, are the expressions of Our paternal charity for you, and may they be fulfilled and may they be accompanied by the apostolic blessing which We impart with all our heart to you and to your entire family. Given in Rome, at St. Peter's, on the 7th day of March, 1911, in the eighth year of Our pontificate. PIUS PP. X.

TO THE REVEREND FATHER JOHN BAPTIST SIMON, FIFTH PRIEST, ATTENDING THE CONGRESS OF CLERGY IN CORREA, BISHOP OF THAT DIOCESE, CELEBRATING THE ANNIVERSARY OF HIS DIOCESE AND THE FIRST CATHOLIC CONGRESS TO BE HELD THERE. Venerable Brother, greetings and apostolic blessing. — We have received two pieces of news from you: one more pleasing than the other. It has been reported to Us that you, Venerable Brother, are celebrating the twenty-fifth anniversary of your priestly ordination, and that at this auspicious time, the clergy and people of your diocese will celebrate, with joyful remembrance and signs of happiness, the first Catholic congress to be held there, for the purpose of social works, in which We are so deeply interested.

[*Latin ed. p. 162*]

162 Acta Apostolicae Sedis. - Official Commentary. As the years pass, may the first seeds be sown, which, embraced by the active will, may take deep root and grow into a magnificent tree, of the most beautiful appearance and abundant fruitfulness. Both circumstances give us the opportunity to rejoice and to augur well. May God multiply the births of your priesthood, so that you may bear more frequently the fruits of pastoral

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activity throughout a longer life. Let this gathering be a specimen and a harbinger of the meeting that we hope will soon take place, which we confidently believe will be happy and successful for the Catholic cause, and which will bring the same benefits that, with paternal charity, we anticipate and desire. That the divine favor may be present both at the celebration of your sacred priesthood and at the salutary deliberations to be held in this gathering, We impart to you, Venerable Brother, the Apostolic Blessing, to all the faithful of your diocese, and especially to those whom the same zeal for the Catholic cause will bring together with you, with the greatest affection in the Lord.

Given at Rome, near Saint Peter's, on the tenth day of March, in the eighth year of Our Pontificate.

PIUS PP. X.

TO LUDOVICUS, CARDINAL LUÇON, ARCHBISHOP OF RHEMS, JOSEPH, MOST BLESSED FATHER, TO THE EXHIBITORS.

Beloved Son, greetings and the Apostolic Blessing.

We have read the letters which you recently sent, full of important matters, and we have appreciated the sentiments which you expressed on the annual feast of Saint Joseph: we have appreciated them, and we have recognized the comfort that you offered us with your piety, amidst the sadness of these difficult days. It is not necessary for us to say more to you to show that We have derived great pleasure from the expression of such excellent affection from a brother. However, do not think that We are granting you this favor out of mere affection: for so many reasons We are bound to you, and nothing can add to Our benevolence towards you. Nevertheless, We wish to give a new pledge of this, and may you receive the Apostolic Blessing, which We impart to you, Beloved Son, and to the entire clergy and people of your diocese, as a good omen from heaven.

Given at Rome, near Saint Peter's, on the feast of Mary, Mother of God, in the eighth year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 163*]

To the Most Serene and Most Excellent KING WILLIAM, TWENTY-FIFTH RULER OF WURTTEMBERG, CELEBRATING THE ANNIVERSARY OF HIS MARRIAGE.

Most Serene and Most Excellent King, greetings. We have not failed to express how grateful and pleased we were by all that has been done to honor Your Majesty, and by the opportunities that have brought us such joy. Now, with equal pleasure, we seize the occasion of the auspicious

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twenty-fifth anniversary of the marriage of Your Majesty, to offer, in Our name, congratulations and good wishes to You, Most Serene King, and to the Augustissima Queen, Your most excellent consort, sharing in the great joy of Your subjects. And we do this all the more willingly, because it is well known and confirmed to Us how diligently You do not cease to show kindness towards the clergy and the Catholic citizens of this Kingdom.

May Your Majesty therefore accept this as a sincere expression of Our affection and humanity, while we offer prayers to God, the Most High, that He may long preserve You together with the Most Serene Queen, for the good and prosperity of the entire Kingdom of Württemberg, and that He may join us with perfect charity.

Given at Rome, near St. Peter's, on the 4th day of April, in the eighth year of Our Pontificate.

PIUS PP. X.

CONCERNING THOSE BORN OF MARRIAGES, BUT WHO, BY REASON OF THEIR PARENTS' INFIDELITY, ARE BAPTIZED IN THE CATHOLIC CHURCH, OR WHO, WITHOUT ANY RELIGION WHATSOEVER, HAVE GROWN UP IN THE CATHOLIC FAITH.

DECREE. Since the decree "Ne temere" issued by the Sacred Congregation of the Council on August 2, 1907, in Article XI, § I, expressly states that all who are baptized in the Catholic Church, and those who have been converted to it from heresy or schism (whether these or those have subsequently lapsed from it), are to be bound by the new laws regarding the form of betrothal and marriage; the following question has been raised: What is to be said concerning marriages...

[*Latin ed. p. 164*]

Acts of the Apostolic See. - Official Commentary. Regarding those who, having been born of non-Catholic or unbelieving parents, were baptized in the Catholic Church, and afterwards, from childhood, grew up in heresy or unbelief, or without any religion whatsoever, how often may they lawfully contract marriage with a member of a non-Catholic or unbelieving party? After mature deliberation in a plenary session of the Most Holy Congregation of the Holy Office, held on the fourth day of the month of March, the Eminent and Reverend Cardinals, Inquisitors General, decreed that it is necessary to examine each case individually. On the following day, the Most Holy Lord Pope Pius, by divine providence, Pope X, having been informed of the resolution of the Eminent Fathers in a customary audience with the Reverend Father, Assessor of this same Most Holy Congregation, deigned to approve and confirm the aforementioned resolution. Given at Rome, from the Offices of the Holy Office, on the 31st of March, 1911. Aloysius Castellano, Secretary of State and of the Holy See. L. S. S. CONGRE-

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GATION FOR ECCLESIASTICAL AFFAIRS. The Most Holy Lord Pope Pius X, by decree of this Holy Congregation, promoted: March 24, 1911. - The Reverend Sebastian Lerne de Silveira Cintra, to the titular bishopric of Orthosia, with the designation as Auxiliary to the Eminent Lord Cardinal Joachim Arcoverde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro. March 29, 1911. - The Reverend Joseph Rovetta, to the bishopric of the cathedral church of Cassano all'Jonio. March 31, 1911. - The Reverend Angel Portelli, O.P., to the titular bishopric of Selinunte, with the designation as Auxiliary to the Reverend Father Peter Pace, Bishop of Malta and Archbishop of Rhodus. Furthermore, the same Most Holy Lord ordered that letters apostolic, sealed with the papal seal, be issued regarding this matter, for the proper execution of justice.

[*Latin ed. p. 165*]

Sacred Congregation of Rites. 165. Sacred Congregation of Rites, Venice. Decree regarding the introduction of the cause of the Servant of God, John Mary Robert De La Mennais, of the Congregation (of Vannes), for beatification; regarding the institution of the cause for canonization of the Venerable Priest, Christian, and Founder; regarding Providentia.

Among the distinguished men who, in this our age, in Gallia, have diligently labored for the defense and vindication of the authority and rights of the Apostolic See through the sacred ministry and published writings, the priest John Mary Robert De La Mennais deserves to be mentioned. He was born in the town of Saint-Malo, in the Archidiocese of Rhedonensis, on September 8th, in the year 1780, and was raised to the priesthood in the year 1804. Having greatly benefited youth of both sexes through religion, morals, letters, and other disciplines, and having founded two societies for this purpose, namely, the Brothers of Christian Instruction of Ploërmel and the Daughters of Providentia of Saint-Brieux, he peacefully departed this life on December 26th, in the year 1860. The fame of his sanctity, with which the Servant of God shone in life, has so greatly increased after his death, that [inquiries regarding it, having been conducted with full authority, were transmitted to the Sacred Congregation of Rites in Rome.

At the urging of the Reverend Father Ludovico Copéré, of the Society of Mary, the promoter of this cause, and after a review of the writings of the Servant of God, and having obtained a dispensation from the lapse of the ten-year period; since nothing stood in the way of proceeding further, and after considering the opinions of certain Eminences of the Holy Roman Church, of several Reverend Prelates, superiors of Orders and Congregations, and other men of ecclesiastical or civil distinction, especially the letters of the Brothers of Christian Instruction and the Daughters of Providentia, the Eminent and Reverend Lord Cardinal Vincent Vannutelli, Bishop of Praenestinus, Promoter or Relator of this cause, proposed the following question for discussion at the ordinary meetings of the Sacred

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Congregation of Rites, held on the indicated date at Vatican: "Whether a Commission for the Introduction of the Cause should be appointed in this case and for the purpose of which we are speaking?"

And the Eminent and Reverend Fathers, entrusted with the care of the Sacred Rites, after hearing the report of the Eminent Cardinal Promoter, and after hearing the voice and writings of the Reverend Father Alexander Verde, Promoter of the Holy Faith, having diligently considered all things, decided to respond: "Affirmatively, that is to say, a Commission should be appointed, if it pleases the Most Holy [See]."

March 21, 1911.

[*Latin ed. p. 166*]

Acts of the Apostolic See. - Official Commentary 166. The following was reported to the Most Holy Pope Pius X by the undersigned Cardinal, Prefect of the Congregation for Sacred Rites; His Holiness, having approved the decree of the aforementioned Council, deigned to sign with his own hand the commission for the introduction of the cause of beatification and canonization of the Venerable Servant of God, John Mary Robert De La Mennais, priest, founder of the Congregation of the Brothers of Christian Instruction and the Daughters of Providence, on the 22nd day of the same month and year.

Rev. Sebastian Cardinal Martinelli, Prefect, Sacred Rites Congregation, S. R. C.

L. S. Petrus La Fontaine, Bishop of Chariestien, Secretary.

During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on March 13, 1911, the Most Reverend Fathers, Seraphinus Manu, Ponens, Franciscus Heiner, and Johannes Prior, Auditors at Tournon, in the case of Paris – Nullity of Marriage – concerning the appeal presented by the Defender of the Bond of Paris against the sentence of the Tribunal of Paris, between Renata Robine, represented by her procurator, Nazarenus Ferrata, Advocate, and Paulus Berthon, who declared that he did not wish to act in this judgment, and that he submitted to the wisdom of the tribunal, with the Defender of the Bond intervening and arguing in the case ex officio, rendered the following definitive sentence.

On July 13, 1898, Renata Robine and Paulus Berthon were married in Paris, in the parish church called "S. Jacques du Haut Pas." It was alleged that the girl did not freely enter into the marriage, but under the influence of her father; hence it is not surprising that soon after, discord and quarrels arose between the spouses. And so, after a short time, although outwardly the common life seemed to continue, a separation *de facto* was instituted, and the husband began to live with his parents, leaving his wife. Finally, after eleven and a half years, when this state of affairs could no longer be tolerated, the husband requested the so-called civil divorce; which was, in

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fact, pronounced.

[*Latin ed. p. 167*]

In the year 1910, on the 16th of Boman, a woman instituted a suit, presenting a petition on May 1st, 1910, to the Ecclesiastical Court of Paris, seeking a declaration of the nullity of her marriage to Paul Berthon, alleging coercion and fear. The Court, on November 22nd of the same year, 1910, issued a judgment declaring the marriage null. Following this judgment, the Reverend Defender of the Bond of Paris appealed to the Holy See. In the Sacred Ordinary Congregation, a doubt was raised concerning whether the nullity of the marriage could be established in this case. The Reverend Fathers and Doctors considered it necessary to respond to this doubt with an affirmative answer, in accordance with the law. There exists in the esteemed body of Canon Law, in Title 14 of "De Sponsalibus" ("Concerning Marriages"), the following words: "Where there is no place for consent, where fear or coercion intervenes, it is necessary that, where the consent of each is required, the matter of coercion be removed. Marriage is contracted solely by consent; and where this is questioned, he must enjoy full security, and his intentions must be investigated, lest, through fear, he say he pleases when he hates, and follow the consequences that usually result from unwanted marriages." Similar passages are found in Title 15, "Veniens" ("The Future"), under the same title: "We command that, if you find that the first [woman], after giving her pledge, will remain with him, otherwise, the second [woman], unless she is compelled by fear, which might cause a steadfast man to marry her, should be joined to him as a wife." From these passages, and others omitted here, arose the canonical theory, accepted by all Doctors, that, at least in ecclesiastical law, fear invalidates marriage if it is grave, even if only relatively so, unjust, and imposed in order to extort marital consent; and this has been justly extended to reverential fear, that is, the fear of incurring the displeasure of one in whose power we are, provided that something else is added, e.g., importunate and insistent prayers, quarrels, vexations, etc., so that the fear is truly grave. Thus, D'Annibale states: "Reverential fear is said to be present when someone fears the displeasure of a father, master, etc., which is certainly an evil, even if there are no beatings or threats." And if this fear is grave and prolonged, then the evil is grave, and therefore the fear is grave, not without merit. (Summula, vol. 1, no. 138, note 16, 3rd edition). After recounting these words, Emilius Gasparri concludes: "Indeed, but in the external forum, such indignation is not presumed to be a grave evil, nor for a girl, unless circumstances suggest otherwise, or something else is added, e.g., quarrels, importunate and insistent threats." Indeed, in these circumstances, the Holy Congregation of Councils has declared marriages null on several occasions, as noted in Paris, Matrimonii, May 16th and September 5th, 1903;

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and in Paris, Matrimonii.

[*Latin ed. p. 168*]

168 Acta Apostolicae Sedis. - Official Commentary. November 21, 1903. Similarly, with the aforementioned additions, this Holy Roman Rota declared that there was no marriage in the case of *Nullitatis Matrimonii* in Paris, on February 26, 1910. Regarding the facts. - In order that a judgment may be rendered correctly in a particular case, the reverential fear must reach a certain degree of gravity, so that, according to the aforementioned, the marriage may be declared null, and the principal circumstances of persons and things pertaining to the marriage must be carefully examined, especially the character of the person who instilled the fear, and that of the person who experienced the fear, the motives that impelled the person to instill the fear, the manner in which the afflicted person resisted, the persons to whom the afflicted person turned, and the constancy with which she persevered in resisting. If these are applied to the present case, it will easily be seen that the reverential fear was grave, and that the marriage should be declared null. Mr. Robine, the father of Renate, absolutely and completely desired the marriage of his daughter with Paul Berthon. He resided in the city of Grado, where he had all his fortunes, and he worked as a professor in the Lyceum; moreover, he was a widower, and he loved a certain woman residing in Paris. Therefore, in order that he might live more freely with that woman, he wanted to remove his own daughter, Renate, honorably from his presence, by giving her in marriage to Paul Berthon, whom he had known for several years. Indeed, since this Paul also resided in Paris, Mr. Robine, having relinquished his professorship and sold all his local property that he possessed in the city of Grado, left that city and went to Paris with his daughter, Renate, so that he himself might more conveniently converse with the aforementioned woman, and so that he might more easily prepare the wedding of his daughter with Paul; and it was agreed that Mr. Robine would receive his livelihood in the Berthon family. Therefore, the father of Renate began to consider, desire, and will that his daughter be married to Paul, as a matter necessary for himself and his daughter; for if this marriage did not take place, Mr. Robine, who had relinquished his professorship, would be in very serious difficulties, and perhaps in poverty, along with his daughter. Therefore, Mr. Robine, who in May of the year 1898, as previously stated, established his residence in Paris, betrothed his daughter, Renate, who was unwilling, and indeed almost unaware, to Paul. Renate was a girl seventeen years old, gentle and timid, who had always agreed with her father in everything up to that point. But as soon as the aforementioned marriage was proposed to her by her father, she was horrified and repulsed by it, both because the character of Paul greatly displeased her, and because she had been preoccupied with another love for several years; therefore, the father of Renate left nothing

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undone in order to break the will of his daughter, who was reluctant.

[*Latin ed. p. 169*]

The Roman Rota. 169. It was argued that the unfortunate state of the girl's domestic affairs necessitated providing for both, namely, the father and the daughter, and that all kinds of goods could arise from the marriage with Paul. These arguments, however, proved futile, and other means were devised: hence frequent reprimands, severe reproaches, continuous quarrels, and even strict custody, or at least vigilance, so that Renata was scarcely allowed to leave the house, except to visit the workshop of her fiancé, Paul, who practiced the art of painting. All these things are testified to by numerous witnesses. Nevertheless, the girl remained unmoved; and whenever she came into Paul's presence, she was always stern and cold; she never wished to wear the betrothal ring, which Paul had offered her; indeed, she did not hesitate, and indeed on several occasions, to assert to the fiancé himself that she did not wish to marry him, that her father desired and wanted this marriage, but that she utterly rejected it. And the girl asserted this so constantly and vehemently that Paul himself considered withdrawing from the betrothal; which, however, was not carried out, after consulting with Renata's father. For Mr. Robine was always urging the marriage; and therefore, the more his daughter showed her resistance to the marriage, the more he pressed and urged her, in order to break her stubbornness. Hence, in addition to the aforementioned methods, he added threats and beatings. He threatened, as it were, to abandon his daughter alone in Paris, or, to put it the same way, to disinherit her. Thus testified Mrs. Montreuil: "That is why he (Mr. Robine) wanted to marry his daughter. He imposed this marriage upon her through his arguments, through his importunate prayers, through his threats of disinheriting her." Thus also testified Mr. Paul Berthon: "I believe that Miss Robine suffered from her father a constraint to which it was impossible for her to resist. To my knowledge, he threatened to abandon her, and he even struck her to make her yield." These threats were expressed in a more precise manner by Renata herself: "In order to force me to marry Mr. Berthon, my father forced me to do what I did not want: he married me, I did not marry myself. My father threatened to abandon me in Paris, alone and without resources. I was then seventeen years old, and one can understand that this threat could frighten me." These threats the father himself confesses: "I threatened to no longer care for her in order to marry her, to abandon her to herself in order to earn her living. One can understand that my daughter, who was then only 18 years old, who was coming from the province, could be intimidated and seriously frightened by the thought of being left alone in Paris, and of being forced, without knowing how, to find a means of existence. I vaguely

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remember the terms..."

[*Latin ed. p. 170*]

170 Acta Apostolicae Sedis. - Official Commentary. "Regarding my threats, but what remains clearly with me is the existence 'of these threats, and the violence that I used to force my 'daughter and the engagement and marriage.'" Concerning the beatings, no eyewitness recounts this; however, it cannot be doubted, because, besides the actress herself, several witnesses report these beatings, to whom the unfortunate girl confided, at an unsuspected time, that she had suffered violence at the hands of her own mother, for example, Mrs. Berthon, the mother of Paul, who says: "I remember that 'Mr. Robine, although very good to his daughter, allowed himself to strike her, in order to compel her to marry. I believe that he resorted to these violent acts, and beyond his character, to obey the orders of his mistress, whose presence the young girl disturbed." Thus also, the witness, Mrs. Menton de Chailly, the girl's best friend, says: "A few days before my departure from Paris, she (Renata) came to recount to me a painful scene in which her father had forgotten himself to the point of striking her. She was exasperated, declaring that she wanted 'to leave, even to kill herself. I tried to calm her and to bring her back to reason." Indeed, the father does not deny that he also used physical force against his daughter: "Without a doubt, I have not resorted to violent physical means, in a continuous manner; however, it is certain that in moments of exasperation, I accompanied my importunate and incessant prayers with a few slaps and a few blows." Therefore, it is clear that Renata was forced by her father, in every way, through prayers, reprimands, arguments, threats, and beatings, to marry Paul; against this paternal violence and these injustices, the girl appealed to everyone to whom she could, not to her relatives, because she had none in Paris, but to her friends and even to Paul's friends, whom she often found in Paul's workshop. Thus, against her father, she sought help from Mrs. Menton de Chailly, of whom we spoke above, from Mary Berthon, Paul's sister, from Mr. Aconin, who was a friend of Paul, from Mr. and Mrs. Montreuil, whose advice she used as much as she could, etc. And all these, when asked by the girl, intervened with Renata's father to explain the whole matter to him, and to finally free the girl from his unjust vexations. But they could do nothing against the stubborn will of the father, who, as has been said, having left the city of Cherbourg, and having relinquished his position as professor, believed that he had no hope of fortune left except in the marriage of his daughter with Paul Berthon; and Paul himself explains it in this way: "Mr. Robine 'is not a violent man, but he is tenacious; I must also recognize that his situation had no other outcome than the marriage of his daughter with

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me." On the very day that preceded the marriage, the girl...

[*Latin ed. p. 171*]

The Roman Rota. She visited her future mother-in-law, Lady Berthon, and asked her not to allow such a marriage to take place, as Lady Berthon recounts: "The day before the 'marriage,' Miss Robine came to see me to ask me to intervene on her behalf, and to break off the marriage arranged by her father. I pointed out to her that it was very late, that people from the provinces had arrived, etc." What, then, was the young woman so urgently distressed about? Since she could no longer hope to persuade her father, and as the day of the marriage approached, she increasingly detested these nuptials, she conceived a plan, which, considering the girl's character and age, is indeed remarkable, but which clearly demonstrates her opposition to the aforementioned marriage; I say, she conceived a plan to flee from her father's house, and to go to Germany, (for she cultivated the German language), in order to earn a living there through some craft or labor. Therefore, the day before the marriage, when everything was prepared for the wedding, in the evening, she secretly left her fiancé's house, where she was then, and went to the house of the Montreuil family, and she borrowed money from Mr. and Mrs. Montreuil in order to carry out her plan. When, by chance, the mother and sister of Paul Berthon arrived, looking for Renata, they could barely persuade her to return to her father's house, as she resisted and cried out that she would never marry Paul. This extraordinary event is recounted by five eyewitnesses, namely Mr. and Mrs. Montreuil, Paul's mother and sister, and a certain seamstress, named Magdalena Faulard, who often took meals at the Montreuil house. This plan cannot be considered a sudden whim of youthful fancy, but rather a firm resolution and a mature deliberation; for Renata had already asked several other people for money to undertake the journey to Germany, namely, from Mary Berthon, Paul's sister, and from Mrs. Menton de Chailly, as they themselves recount. Therefore, it is not surprising that the very day of the marriage was a day of sorrow rather than joy. This is what Mrs. Montreuil says: "I spent the entire day of the marriage with the bride and groom and the other guests: the bride's demeanor did not change. She remained sad, she cried, she refused to be cheered up by the guests, who all made an effort to change her attitude. After dinner, there was dancing, but she refused to dance with her husband, and she did not want to participate in the dancing. In the evening, the bride followed her husband without causing a scandal; her demeanor was always the same, so that the general cry was: 'Here is a marriage that is truly not joyful, and a married life that begins under sad auspices.'" Mr. Montreuil adds: "The general impression of everyone was

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sadness. It was extraordinary to see a marriage... ”

[*Latin ed. p. 172*]

172 Acta Apostolicae Sedis. - Official Commentary. ”as is evident, the young woman did not cease to weep.” And so testified others; for it was well known within the family that the aforementioned marriage had not been entered into freely, but had been forced upon the girl. This, moreover, was plainly and sorrowfully demonstrated by the events that followed. From the first night of the marriage, and for one or two weeks thereafter, Renata refused to fulfill her conjugal duties, and she did not perform them afterward, except with great reluctance and after exhausting all means, as Paul stated in his deposition. Soon, due to various reasons, discord and quarrels arose between the spouses; and, after scarcely three or four years had passed, (as Maria Berthon, Paul’s sister, states) the separation was instituted de facto, and Paul began to spend his nights in his parents’ home. Finally, in February of the year 1910, when his wife refused to follow him to the city of Garnutum, he petitioned for a civil divorce, which he obtained, but the custody of the children was granted to the wife. After considering all of these matters, there can be no doubt of the fear, and indeed a grave and unjust fear, which Renatae’s father instilled in his daughter by all means, namely, by prayers, reprimands, quarrels, threats, and beatings, in order to extort her consent to the marriage with Paul; and all of these things are testified to by sworn witnesses, numbering nine, most of whom were eyewitnesses, and the rest are known to be honest and worthy of belief. Having considered and diligently pondered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, confirm the judgment of the Archdiocesan Court of Paris, and We declare and definitively pronounce: ”That the marriage between Renata Robine and Paul Berthon is null and void,” and thus We answer the proposed question; furthermore, We decree that the aforementioned Renata Robine shall be held liable for all the expenses of the proceedings. Thus We pronounce, ordering the Ordinaries of the places and the Ministers of the Tribunals to whom it pertains, to order the execution of this Our definitive judgment, and to proceed against those who resist, according to the sacred Canons, especially Chapter 3, Session 25 of the Council of Trent, using the executive and coercive means that will be most appropriate and effective for the circumstances. Rome, on the 13th of March, 1911. Seraphinus Many, Prefect. L. S. Franciscus Heiner. Ioannes Prior. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 173*]

Secretariat 173 Status. SECRETARY’S STATUS LETTER. TO THE REVEREND MR. VILLTEN, MOST DISTINGUISHED PROFESSOR OF THE SACRED LITURGY IN THE INSTITUTE WHICH IS RESPECTFULLY

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CALLED "LA CATHOLICO NOUVELLE PARISIIS," PARIS, YEAR [omitted]. EXHIBIT. Monsieur l'Abbé, The Holy Father received with particular satisfaction the copy of "La Nouvelle Année Liturgique" which Mr. Marne, from Tours, had the filial thought to offer to Him as a tribute. The most benevolent and favorable reception that the French Episcopate has given to this work is a precious testimony to its merits and to the care that its authors have brought to its composition. Divided, according to the Roman Breviary, into four volumes, containing the offices of all the Sundays and all the Feasts of the year, with the Latin text and its French translation, this work of piety, which you have known how to enrich with notes and comments that are very useful and opportune, has the advantage of offering to the faithful a "parish guide" that is rich and very complete. By helping them to better understand and to follow with greater ease and attractiveness the offices of the Catholic Liturgy, it will serve to develop in them the taste and love of holy things, and to make them fulfill with greater fruit their most sacred duties. His Holiness congratulates you for having contributed, through your zeal and your knowledge, to make this work more profitable to souls, and He grants you, with all His heart, the Apostolic Blessing. I gladly seize this opportunity to express to you, Monsieur l'Abbé, my best sentiments in Our Lord. Rome, 12 March 1911. R. L. © S. CARD. MERRY DEL VAL.

[*Latin ed. p. 174*]

174 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On the 11th day of the current month of April, in the Apostolic Palace at the Vatican, the Preparatory Congregation of the Sacred Rites was held, to discuss the heroic virtues of the Venerable Servant of God, Gaetano Errico, Priest, Founder of the Congregation of the Sacred Hearts of Jesus and Mary. NEW PREPARATORY CONGREGATION. On the 9th day of the next month of May, in the Apostolic Palace at the Vatican, the New Preparatory Congregation of the Sacred Rites will be held concerning the heroic virtues of the Venerable Anthony Mary Giannelli, Bishop of Bobbio, founder of the Daughters of the Blessed Virgin of the Garden (Beata). SECRETARY OF STATE. By a note from the Secretary of State, and by a Brief, the Holy Father deigned to appoint: Domestic Prelates: on February 8, 1911: The Reverend Luigi Paulini, Canon Penitentiary of the Archdiocese of Udine. On March 20, 1911: The Reverend Angelo Brugnoli, Rector of Asolo and Honorary Canon of the Cathedral of Treviso; The Reverend Bartolomeo Casturo, Canon of the Cathedral of Treviso. On March 22: The Reverend Giuseppe Pierotti, Archdeacon of the Cathedral of Viterbo. On April 6, 1911: The Reverend Enrico Kellner, Emeritus Professor of Theology at the University of Bonn. His Holiness, by a note from the Secretary of State, deigned to appoint: On April 11, 1911:

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Monsignor Domenico Taccone-Gallucci, Titular Archbishop of Costanza of Scythia, Consultor of the Sacred Congregation of Studies.

[*Latin ed. p. 175*]

Diary of the Roman Curia. 175 HONORS. His Holiness, through a letter from the Secretariat of State, and through a Brief, has deigned to bestow the following honors: The Order of Saint Sylvester, Commander: April 4, 1911. – To Mr. Colonel Francesco Vaughan, Honorary Chamberlain of Sword and Mantle, Supernumerary to His Holiness. The Grand Cross of the Order of Saint Sylvester: March 21, 1911. – To Mr. Dr. Francesco Gonzales Guiñan, General Secretary to the President of Venezuela. The Order of Saint Sylvester, Commander: April 8, 1911. – To Mr. Samuel Walker O'Neill, Honorary Chamberlain of Sword and Mantle, Supernumerary to His Holiness, of the diocese of Salford. The Order of Saint Gregory the Great, civil class, Knight: March 20, 1911. – To Mr. Giovanni Pietro Muth, Counselor of Justice in Saarbruecken. April 3, 1911. – To Mr. Dr. Andrea Cozi, of Rome. The Order of Saint Sylvester, Knight: April 7, 1911. – To Mr. Augusto Giacomini, Vice-President of the Leonine Circle of Rome. April 8. – To Mr. Ruggero Ruggeri, of Rome.

THE DOMESTIC STAFF OF HIS HOLINESS. His Holiness, through a letter from His Eminence, the Reverend Monsignor, the Major Domo, has deigned to appoint: Honorary Chamberlains, Supernumerary: March 21, 1911. – Monsignor Stefano Breyer, of the archdiocese of Strigonia. March 23. – Monsignor Pietro Grassi, of the diocese of Bergamo. March 28. – Monsignor Luigi Pennoni, of the diocese of Nocera-Umbra. Honorary Chamberlains in paonazzo [ceremonial purple]: March 20, 1911. – Monsignor Andrea Ussorowski, of the diocese of Gnesen; – Monsignor Domenico Saldinari, of the archdiocese of Modena. March 28. – Monsignor Antonio Huber, of the diocese of Saint Hippolitus.

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis. - Official Commentary. Honorary Chamberlains of Sword and Cape, Supernumerary: March 20, 1911. – The Reverend Mr. Giuseppe Andiloro, of the archdiocese of Reggio Calabria. March 28. – The Reverend Mr. Filippo Maria Angiuli, of the archdiocese of Bari. NECROLOGY: April 17, 1911. – The Most Reverend Cardinal Beniamino Cavicchioni, of the titular church of S. Maria in Aracoeli, Prefect of the Holy Congregation of Studies. March 1911. – Monsignor Salvatore Masot, of the Order of Preachers, titular Bishop of Avara, Apostolic Vicar of Fo-kien. – Monsignor Emerico Bende, Bishop of Neutra (Hungary). – Monsignor Cesare Sambucetti, titular Archbishop of Corinth. April 1911. – Monsignor Carlo Antonio Niedzialkowski, Bishop of Zytomierz Luceoria, or Luck, with administration of Kameniek. – Monsignor Pasquale Rubian, titular Archbishop of Amasieh, ordaining Bishop in Rome for the Armenians,

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assistant to the Papal See. – Monsignor Adolfo Perea, Bishop of Pasto (Colombia). – Monsignor Pietro Angelini, Secretary of Briefs to Princes.

[*Latin ed. p. 177*]

May 15, 1911. Year III. - Vol. III. No. 6. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER. I. The church of Saint Dominic, Confessor, in Corduba, in the Republic of Argentina, is erected into a minor basilica. PIUS PP. X. For the perpetual memory of the matter. — We are accustomed, following the example of Our Predecessor Roman Pontiffs, to honor the most distinguished sanctuaries of the Catholic world, which, through ancient religious celebrations, through their size and grandeur, through the ornamentation of liberal arts, and through historical memories, illuminate the Christian name in the world, by bestowing upon them honorary titles. Indeed, it is not unknown to Us that, within the boundaries of the Republic of Argentina, in Corduba, there exists a sacred edifice under the title of Saint Dominic, Confessor, and the founder of the Order of Preachers, which, at the beginning of the sixteenth century, was built together with a monastery of the same Order, rebuilt and enlarged with great effort in the nineteenth century, and finally, in the year of salvation 1792, richly decorated with works of all kinds of art. We have also learned that, in the same year, by the name and authority of Leo XIII, Our Predecessor, the most ancient and miraculous image of the Virgin Mother of God was redeemed with a golden diadem, which, as is said, arrived on the shores of Peru and the port of Callao, and for this reason was called the "Miraculous," and then was transferred to Corduba and placed in the same temple, where it is greatly venerated with religious devotion, and is celebrated with the frequent attendance of the faithful, who come from all parts, even from the most distant regions of the Republic of Argentina. It is also known to Us that in the same temple, mentioned above, the Brothers of the aforementioned Order act in a not insignificant number.

[*Latin ed. p. 178*]

Acts of the Apostolic See. - Official Commentary. 1.78 To diligently perform sacred duties; numerous relics of the Saints, enclosed in precious containers, are honorably preserved there; the sacristy is abundantly and richly furnished; moreover, there are canonically established pious sodalities there, and that sacred edifice has been abundantly enriched with numerous privileges and indulgences through Apostolic letters sealed with the Fisherman's ring, extending even to our time. Considering these things, when the beloved son Raphael Aragon, Prior of Tucumán and Prefect of the Regular Province of Buenos Aires of the Order of Preachers, together with the Prior of the aforementioned Cordoba monastery, supplicated us with fervent prayers, that we might deign to elevate that temple, dedicated to

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Saint Dominic, which, as the Sanctuary of the Most Blessed Virgin Mary, is justly and deservedly celebrated by a miracle, among the Minor Basilicas, we, moved by the prayers of this kind and with the support of the Most Reverend Bishop of Cordoba, gladly deem it fitting to accede to such a request. Therefore, by Our Apostolic Authority, in the present and forever, we elevate the Cordoba temple, dedicated to Saint Dominic the Confessor, to the title and dignity of a Minor Basilica, with all the honors and privileges that rightfully belong to the Minor Basilicas of the Eternal City. We decree that these Our letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully support those to whom they pertain, now and in the future, and shall be null and void if anything should happen to be attempted regarding these matters by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, near Saint Peter's, under the Fisherman's ring, on the eleventh day of April, in the year 1911, in the eighth year of Our pontificate. R. CARD. MERRY DEL VAL, Secretary of State. n. SODALITY OF SAINT BARBARA "PLA1MPIED", V. AND CONSTITUTED M. WITHIN THE PAROCHIAL CHURCH OF THE DIOCESE COMMONLY CALLED BITURICENSIS, SHALL BE INCORPORATED INTO THE ARCHICONFRATERNITY WITH THE FACULTY OF AGGREGATION THROUGHOUT FRANCE. PIUS PP. X. For the perpetual memory of this event. - The Venerable Archbishop of Bourges informs Us on the fourth day of February, in the year 1905, in the parish church of the place commonly called "Plaimpied" in his diocese, of a pious sodality.

[*Latin ed. p. 179*]

The acts of Pope Pius X, number 179, state that a society was canonically established under the title of Saint Barbara, Virgin and Martyr, with the intention that its members, engaged in the exercises of the religious life, may merit to obtain from God, the Lord of life and death, the grace of avoiding death, either sudden or otherwise, or the sacraments of the Church, if they have not received them, with the intercession of that blessed Virgin and Martyr, whose prayers are known to be of great efficacy in this matter by the Church itself in its liturgy. Moreover, the Supreme Pontiffs, our predecessors, Clement X, Clement XI, Clement XII, and Innocent XII, having given letters apostolic for this purpose, have repeatedly commended this devotion to the faithful. Furthermore, this same society has grown to such an extent that it is no longer hidden in any nation, and it contains within it many thousands of people of both sexes and of every order.

Having recounted these things, when the Archbishop of Bourges earnestly urged us to grant the society the title of Archconfraternity and to enrich it with privileges from our benevolence, we, moved by the piety of our predecessors, whom we have praised above, and by the desire that this singular and most praiseworthy endeavor may be fostered and grow

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more and more each day, have gladly decided to fulfill the request of that venerable brother.

Therefore, by our Apostolic authority, through these letters, we establish, raise, and enrich the society under the title of Saint Barbara, Virgin and Martyr, duly instituted in the parish church of the place commonly called "Plaimpied" in the diocese of Bourges, as an Archconfraternity, permanently, with the customary honors and privileges. Furthermore, we grant, by our authority through these presents, to the moderators and officials of this Archconfraternity, both present and future, perpetually, that if, as the society grows, other societies of the same name and institution should be canonically founded in the future, those that are within the boundaries of France alone, while observing the form of the Constitution of Pope Clement VIII, and other Apostolic ordinances issued above, may lawfully join them, and may communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted to the same Archconfraternity by the Holy See, which are communicable.

Finally, we decree that these our letters shall always exist, be valid, and be effective, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, both now and in the future, in all things and through all things, and that in the aforementioned matters, they shall be judged and decided by any ordinary or delegated judge, and that they shall be null and void if, by anyone, knowingly or unknowingly, any attempt is made to alter them in any way, contrary to the Apostolic Constitutions and Ordinances, even special and individual.

[*Latin ed. p. 180*]

Acta Apostolicae Sedis. - Official Commentary. 180 matters worthy of mention and derogation, and all other matters to the contrary. Given at Rome, at St. Peter's, under the Fisherman's ring, on the eleventh day of April, 1911, in the eighth year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. LETTER TO THE MOST REVEREND CHARLES GRANNAN, TO THE CHURCHES OF URBANA IN THE AMERICAE, CONCERNING THE ESTABLISHMENT OF A COLLEGE FOR THE ADVANCEMENT AND SUPPORT OF LATIN PRIESTS IN THE AMERICAE. Beloved Son, greetings and apostolic blessing. — The occasion for writing to you has arisen from a desire to express to you the most exquisite charity, namely, from a concern for Latin America and its Church, and for the life which the Lord Jesus Christ has brought to the human race, and which We desire and wish to see flourish more and more abundantly. But whenever We consider the condition of that same Church, We are struck by that sad passage from the Gospel: "Then he saith to his disciples, The harvest indeed is great, but the labourers are few." For a vast expanse of land is still not sufficiently receptive to the seed of Christian

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wisdom, and there, a great multitude of people are clamoring for apostolic men, while the number of such men is insufficient for the advancement of the Catholic cause. To these causes of concern, another is added, and from it a request arises, from which the most abundant joy should arise: We speak of the College of Urbana in Latin America, whose affairs are in such straits that the need arises to reduce the number of students, which, as We know (for We speak from experience), would hinder the growth of the dioceses of this region. Hence, Beloved Son, you will understand how grateful We were to receive news from you of the generosity of Catholics from the United States in supporting the domestic needs of that same College. Indeed, it is a most charitable plan, which We attribute to the merciful benefit of God, since no hope of assistance shines forth from the Catholics of Latin America, whose support is diverted to domestic institutions and is barely sufficient for the newly established dioceses; nor can We, although We desire and long for it, allow the present difficulties of the Apostolic See to prevent us from accepting. Your excellent endeavors and the disposition of the Catholics of North America to be generous fill Us with great hope. Indeed,

[*Latin ed. p. 181*]

Sacred Congregation of the Council. 181. If the Church in Latin America requires a greater number of priests, endowed with both virtue and doctrine, it is reasonable to hope for this, especially from this venerable City, the center and teacher of truth for the Catholic Church, and from these sacred seminaries and institutions at Castro de Ordiales, where the young clergy, near the tombs of the Apostles and almost under our very eyes, are prepared for a new kind of service, for the battle of faith, and for the highest praise of all virtues. Therefore, "praying earnestly to the Lord of the harvest, that he may send forth laborers into his harvest," we congratulate you, beloved Son, for the cause you have undertaken, from which the strength and growth of the Christian cause depend greatly among neighboring peoples; and we are the best of benefactors to those whom you have found to be helpers in your plans, since we readily contribute to the aid and growth of the seminary, which experience has proven to be an absolutely reliable foundation of ecclesiastical discipline. May the divine gifts and our Apostolic benevolence be a blessing to you, beloved Son, which we bestow with the greatest affection in the Lord. Given in Rome, at Saint Peter's, on the fifth day of April, in the eighth year of Our Pontificate. PIUS PP. X.

SACRED CONGREGATION OF THE COUNCIL.

I. DOUBTS.

CONCERNING THE COURSE OF STUDIES TO BE COMPLETED BE-

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FORE THE SACRAMENT AND OATH GIVEN AT ORDINATION.

The following doubts having been proposed, namely:

1. Whether, for the purpose of receiving the sacred order, the years of study can be considered completed at the feast of Pentecost or the Most Holy Trinity;

2. Whether the oath to be taken before receiving the sacred orders, prescribed by the Motu Proprio "Sacrorum Antistitum" of September 1, 1910, must be given before each of the sacred orders, or only before the order of subdeacon:

This Sacred Congregation, on March 24, 1911, responded:

1. In the negative; but it is required that the scholastic course of nine months be completed, with a final examination successfully passed.

2. It must be given before each of the sacred orders.

[*Latin ed. p. 182*]

Acts of the Apostolic See. - Official Commentary.

I. To suffice in order to receive the sacred order of the subdiaconate, saving the right of the Ordinary to again require it before the conferral of each of the holy orders, if from any cause it should be deemed necessary or useful.

G. CARD. DELAI, Secretary.

Scipio Tecchi, Assistant.

II. DECLARATION OF THE HOLY SEE CONCERNING THE DECREE ON SECRECY IN NOMINATING CANDIDATES FOR EPISCOPAL SEATS.

Some have doubted whether the decree of the Sacred Congregation of the Consistory of July 2, 1910, concerning secrecy in nominating candidates for episcopal sees, where the same or a similar method of nomination obtains as in the United States of America, extends only to dioceses and provinces of which the Ordinaries have requested it; or whether it extends to all where said method is in use; this Sacred Congregation declares that it extends to all.

Given at Rome, from the Secretariat of the Sacred Congregation of the Consistory, on the 28th day of the month of April, 1911.

C. Perosi, Substitute.

III. PROVISIONS FOR CHURCHES.

By successive decrees of the Sacred Congregation of the Consistory, the Most Holy Lord Pope Pius X has provided for the following churches with their own pastors, namely:

April 5, 1911. - To the cathedral church of Squillace, the priest Eugene Tosi, general vicar of Rimini, was appointed.

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April 10, 1911. - To the cathedral church of Chiavari, the Reverend John Gamberoni, parish priest of the place commonly called Garate Brianza in the archdiocese of Milan, was appointed.

April 11, 1911. - To the titular episcopal church of Mopsuestia, the priest Emmanuel da Silva Gomes was appointed, who is constituted as an Auxiliary to the Reverend Joachim Joseph Vieira, Bishop of Fortaleza.

April 11, 1911. - To the titular episcopal church of Lystra, the Reverend Aemilius Ferrais, professor in the Seminary of Verona, was appointed, who is constituted as an Auxiliary to the Reverend

[*Latin ed. p. 183*]

Sacred Congregation of the Council. 183. His Eminence Joseph Francica Nava di Bontifé, Archbishop of Catania. — To the Reverend Josue Cattarossi, rector of the cathedral church of Albenga, and spiritual director in the seminary of that place, within the archdiocese of Udine. April 20, 1911. — To the Reverend Ioannes Csernoch, formerly Bishop of Csanad, now appointed to the metropolitan church of Colocensis and Bacsiensis. — To the Reverend Nicolaus Széchenyi, formerly Bishop of Győr (Raab), now appointed to the cathedral church of Magno-Varadinensis, of the Latin Rite. April 21, 1911. — To the Reverend Ioannes Keily, canon of the cathedral church of Plymouth, appointed to the cathedral church of Plymouth. — To the Reverend Dominicus Lancellotti, formerly titular Bishop of Delcus, now appointed to the cathedral church of Troia. April 22, 1911. — To the Reverend Leopoldus Arpadus Varady, canon of the cathedral church of Csanad, appointed to the cathedral church of Taurinensi (Turin). — To the Reverend Julius Glattfelder, priest of the archdiocese of Strigonium, appointed to the cathedral church of Csanad. Furthermore, the Most Holy Father ordered that letters apostolic, sealed with the papal seal, be dispatched regarding this matter, for the proper execution of justice.

I. DB

DECREE WHEREBY THE CANONICAL CONSTITUTION OF THE HOLY SEE, "ROMAN PROVINCES," IS EXTENDED TO ALL PROVINCES OF THE DOMINION OF CANADA.

Among the matters which were considered worthy of being brought before the Fathers of the First Council of Quebec, which was held in the aforementioned metropolitan church of Quebec in the year 1909, was also this: that they should offer prayers to the Holy See, so that the Constitution, which begins with the words "Roman Provinces," first published for England and Scotland on the eighth day before the Kalends of May in the year 1881, and subsequently extended to many other regions, might also be extended to all the provinces of the Dominion of Canada, for all of their churches.

Now, at the plenary assemblies of the Sacred Congregation, held on the

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days of January 14th and 21st, recently passed, concerning the revision of those matters which were discussed in the aforementioned Council of Quebec, [footnote: See Acta Apostolicae Sedis, vol. II, year II, page 254. Appendix.]

[*Latin ed. p. 184*]

Acta Apostolicae Sedis. - Official Commentary. The undersigned, having considered the request made by the Most Reverend Fathers, judged the proposed extension of the aforementioned Constitution to be beneficial, and therefore deemed it fitting to vote in favor of the motions made by the Fathers of that Council regarding this matter. The matter was then presented to the Most Holy Father, Pope Pius X, by the undersigned Secretary of the Holy Congregation. His Holiness, in an audience on the 14th of this month, having carefully considered all matters, graciously approved the aforementioned requests and extended the Constitution "Romanos Pontifices" concerning the fullness of Apostolic power to all provinces of the Canadian Dominion. Given in Rome, from the Sacred Congregation of the Council, on the 14th of March, in the year 1911. C. CARD. GENNARI, Prefect. B. Pompili, Secretary. CONCERNING THE MOST REVEREND JAMES OF CHILE AND OTHERS. REGARDING ABSTINENCE. 1. His Holiness, Pope Pius X, by letters and decree of the Most Reverend Cardinal Secretary of State, dated January 1, 1910, completely abrogated the concessions of the Bull of Cruce for South America and the Philippine Islands, and in their place, among other things, granted the Ordinaries of those regions a ten-year indulgence, to be granted each year "simply and literally as it is promulgated, according to the apostolic delegation," by virtue of which: 1.° The law of "fasting without abstinence from meat" shall be observed on the Fridays of Advent and on the Fridays of Lent. 2.° The law of fasting and abstinence from meat shall be observed on the fourth day of Lent, on the Fridays of Lent, and on the fifth day of the Greater Week. But on days of fasting, it will always be permitted to all, even religious, without requesting a special dispensation, to use eggs and dairy products in the evening meal. In the morning meal, dairy products are permitted, respecting the law of moderation, and excluding eggs. 3.° Abstinence from meat, without fasting, shall be observed on the four vigils of the feasts of the Nativity of Our Lord Jesus Christ, of Pentecost, of the Assumption of the Blessed Virgin Mary, and of the Holy Apostles Peter and Paul. NOTE. 1. See Acta Apostolicae Sedis, vol. II, year II, page 215.

[*Latin ed. p. 185*]

Sacred Congregation of the Council. 185. Furthermore, the Archbishop of St. James of Chile, also on behalf of other Bishops of that Republic, stated that there remains "a matter causing anxiety to consciences, which is difficult to implement for the faithful, namely, the prohibition of mixing meats

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and fish on days of dispensation from fasting, such as minor vigils, the four seasons, and days [some of the quadragesima]. Although some maintain that, with the dispensation from the obligation of fasting and abstinence from meat, the faithful are no longer bound by the law of not mixing meat and fish, because the aforementioned [prohibition] has its foundation in the former, we do not consider such an opinion to be safe, and therefore we earnestly request that a dispensation be granted for the entire Republic of Chile regarding the law prohibiting the mixing of meat and fish on those days in which a dispensation has already been granted regarding the obligation of fasting and abstinence." He then enumerates the reasons for obtaining the dispensation as follows: "1.° The most common oversight of the obligation of not mixing meat and fish on those days, even among pious people and families: for when there is no obligation to fast, scarcely any attention is paid to the prohibition of mixing meat and fish, and this oversight will certainly increase more and more. 2.° The custom prevalent everywhere in taverns and restaurants of mixing meat and fish on those days, as also happens among less pious people. 3.° It also happens that during the quadragesima, it is a time of vacations, and it does not seem equitable to impose such a severe mortification on those who need rest during the summer months. 4.° In addition, since the Republic of Chile has a vast coastline and an abundance of seafood, it is difficult and very burdensome to prioritize the use of these, when other foodstuffs are sold at a high price." With these reasons, the Archbishop concludes that the law prohibiting the mixing of meat and fish is scarcely observed by many on days of suppressed fasting and is very burdensome for the faithful who strive to obey the law with German observance. Therefore, to alleviate this burden and to avoid contempt for the ecclesiastical precept, the Sacred Congregation earnestly requests that it be pleased to grant a dispensation, and this will add as a kind of crown and complement to the outstanding benefits conferred on the faithful of the United States through the aforementioned indulgences. The reasons that favor the requested dispensation are clearly and fully set forth in the very prayers, while those that could oppose it are enumerated in the expert opinion of the Consultor.

[*Latin ed. p. 186*]

186, Acta Apostolicae Sedis. - Official Commentary. — Decision. After mature consideration of all matters, the Most Reverend Fathers, in a plenary session on December 17, 1910, deemed it appropriate to respond as follows: Having considered all the circumstances and, in accordance with the petitions, with the Most Holy Father, after a report was presented in an audience on December 26, the Most Holy Father deigned to approve the resolution of the Fathers. C. CARD. GENNARI, Prefect. L. S. Basilius Pompili, Secretary. III. REGIA JURISDICTION. — In the year 1828, as recorded in the acts drawn up on March 31 by Francis Anthony Mantovani, Notary,

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a certain Peter Guidetti, a priest from Regiae, established a new canonry in the distinguished collegiate church of Saint Prosper in the same city of Regiae, and assigned the following endowment to it: "two capital sums bearing interest at 6%, belonging to him and to the 'house of Francis Franceschini of Baiso,' and consisting of a capital of 8,564 Italian lire and another capital of 1,341 Italian lire." Since this endowment, being constituted in this manner, could easily be subject to diminutions over time, in order to protect it more and more, the founder subjected a certain property, which he himself possessed in the village of Saint Prosper, under the title of "Strinati," to a mortgage. "And in order to more securely ensure, at all times (as is also stated in the aforementioned acts of establishment), the invariable endowment of the canonry, fixed at fifty-two clear and annual zecchini, constituted in the aforementioned capital sums bearing interest, which, over time, might be subject to total or partial loss, or, due to the circumstances of the times, might not be able to be reinvested at the rate of 6% per year as they are currently, a synopsis of the discussion follows: "The aforementioned Reverend Father Peter Guidetti, for himself and spontaneously, and in every possible way, beyond the general obligation of his person, has subjected all his present and future assets to a special conventional mortgage, to the extent necessary, of a certain piece of land consisting of 15 biolle and 8 tavole, with a house located in Villa San Prospero de' Strinati, etc." Thus, the Reverend Father Peter Guidetti established the canonry so that it would have active and passive jurisdiction: "over himself in all his occupations, and after him, over Don Pellegrino, Rector of Cotogno, then over Cristoforo..."

[*Latin ed. p. 187*]

Sacred Congregation of the Council. 187 "Brothers, and those descended from him, and then those descended from his deceased relative, Bartholomew, etc." And if, in the line of those called canonically to exercise the right of nomination, there were a lack of males, the founder wishes that this right be granted to females: "and in the absence of male descendants, the right of nomination will belong to the eldest female of the aforementioned line, in the order established above, and finally, when the male and female descent of those mentioned above should cease, the right of nomination will belong to the Most Reverend Bishop *pro tempore* of this city, from a list of three presented by the Reverend Provost *pro tempore* of this illustrious Basilica of Saint Prosper." Although the Reverend Peter Guidetti hoped that the canonry he established would be perpetual, "as long as the world endures," as his words indicate, fearing that after his death, the same thing might happen that had already occurred under Napoleon I, namely, that property belonging to the church would be seized and attributed to the treasury, he made the following provisions: "that in whatever circumstance, should God so will, said

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canonry were to be suppressed, then the endowment, as established, must be given entirely to the male descendants of the heirs of the aforementioned Reverend Don Guidetti, and in the absence of males, to the females, and in the absence of these as well, to the male descendants of Giacomo Rossini, then to the females, and in the absence of these latter as well, to maintain a schoolmaster in Cotogno, under the condition that if an attempt were made to establish said school in a different place, or if it were established and then moved elsewhere, the aforementioned Reverend Peter Guidetti declares and stipulates that the income of said canonry must be distributed entirely to the poor of the parish of Cotogno by that pastor *pro tempore* who will administer the revenues of said canonry, etc." The Reverend Peter Guidetti imposed no other particular burden on the beneficiary, beyond those common to all canons, except that he should celebrate two Masses each year, "according to his intention, one on November 24th, and the other on the anniversary of the death of the founder." These, therefore, were the principal conditions by which the Reverend Peter Guidetti established his canonry, and both ecclesiastical and civil authority fully confirmed them. According to these conditions, in the year 1855, Aloysius Guidetti, the founder's nephew, obtained this canonry, and was promoted to the priesthood by its title, and he still holds it to this day; indeed, this arrangement was in effect just prior to the establishment of the Collegiate Chapter of the Church of Saint Prosper. But twelve years after, after this cleric had held the canonry...

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis. - Official Commentary. He had obtained a foundation from his uncle, but meanwhile, the condition of public affairs in Italia had completely changed. Laws were enacted which deserved to be called destructive of ecclesiastical property, and by their force, those who, by right of patronage, held benefices, were empowered to claim the endowments of those same benefices for themselves, with nearly one-third of that endowment being paid to the treasury. Therefore, relying on the provisions of civil law, the actual father of the Prior, whose name was Angelus Guidetti, in order that the canonry founded by his brother might not lose its endowment, claimed it for himself. However, the canon, Aloisius Guidetti, did not abandon his own proper duties, nor did anyone think of dismissing him from the canonry, or of removing him from it. In the year 1887, when Angelus Guidetti, the father of the Prior, reached the end of his days, his sons inherited the paternal estate, and the assets with which it was constituted were divided among them by the acts of the notary of Vigano, in such a way that the house called "de'Strinati," under the patronage of Saint Prosper, which, as has already been noted, was the endowment of the Canonry of Guidetti, given by the founder, remained with the canon, Aloisius Guidetti. It is of the utmost importance to know the details of

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this division, in order to resolve the question which concerns the Chapter of the Collegiate Church of Saint Prosper, between the canon, Aloisius Guidetti, and the Prior of the same Chapter, because, on the occasion of the division of the entire family estate, the brothers Guidetti met with each other. Indeed, the Chapter of the Church of Saint Prosper seeks to persuade the canon, Guidetti, of the following: that he received the canonry, which he holds, with the full endowment, without any deduction whatsoever, due to the tax paid to the treasury in the year 1867, and that this endowment was not included with the other assets; so that to the same canon, Guidetti, it happened in the division of the paternal inheritance, that he received what others did not, and furthermore, about ten thousand livres, which were originally established as the endowment of the canonry by his uncle, the priest, Peter Guidetti. Therefore, having become the owner of the house in which the endowment of his canonry was constituted, taking advantage of the opportunity that in the year 1908, certain individuals insisted on purchasing it from him, and offered him nearly thirty thousand livres for it, without seeking any permission or license from this Apostolic See, as if he had absolute power to sell the house, he sold it. This caused the anger of other canons, who, already incited against the Prior for other reasons, considered it necessary to completely remove him from the Chapter; and since the Prior resisted their will, and insisted that he was still a canon, they submitted the matter to the judgment of the Holy Congregation.

[*Latin ed. p. 189*]

Sacred Congregation of the Council. Item 189. Although the principal reason for this matter being brought before the Sacred Holy Congregation is the alienation of the canonical endowment of Guidetti, other grievances against the same canon, Aloysius Guidetti, by the Chapter of the Church of Saint Prosper, which are connected to this main question, also require judgment. The Canons complain that the Prior has made numerous changes to the condition of the priory house at his own discretion; and that, while this controversy is pending, he has let the same house to a certain person without any permission from the Chapter, a person who is not at all a member of the same Chapter, and this is contrary to all laws, whether general of the Church or particular of the Regiae diocese; and finally, they contend that the same canon, Aloysius Guidetti, has protested that, in his absence and without his knowledge, the Chapter received a priest, Cavandoli, and granted him the canonical position to which he had been legitimately appointed. To understand this last grievance, the following are cited from the Chapter statutes of the Collegiate Church of Saint Prosper, concerning matters to be observed in ceremonies, or in granting possession to new canons, or in convening Chapter meetings. Regarding the first matter, concerning the granting of possession to newly elected canons, Chapter II of these constitutions reads as follows: "Before a canon acquires real possession,

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he shall be required to present his bulls to the Prior of the Chapter, who, together with two canons, will carefully examine them, chosen by suffrage, to see if they are true and real. Then, in the usual manner, the Chapter shall be convened, and in its presence, after the bulls have been read by the chancellor or notary, and after each canon has admitted him with a kiss of peace, so that he may be admitted, after the last canon has associated him with the choir, and has established him in possession of his stall and place in the Chapter." Regarding the second matter, Chapter IV of the same constitutions states: "The Prior shall convene the Chapter on the first weekday of each month, and whenever he deems it necessary, or if at least two canons request it. In the absence of the Prior for a long and protracted time, or if he is prevented or refuses without just cause, the Vice-Prior may convene the Chapter and perform all that the Prior would do; in the absence, prevention, or refusal of the aforementioned Vice-Prior, the oldest of the other canons may perform all things, and so successively." It also happened that in a certain Chapter meeting held at the beginning of this year, and in which the same Aloysius Guidetti, as Prior, was present only at the end, so that the canons might be informed of the reasons for his conduct in the alienation of the house,

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis. - Official Commentary. The aforementioned canons, after having been warned about the matter by the Vicar General, also received the canon Cavandoli, and undertook other actions as well, besides the matter established by the Prior. Furthermore, when the Prior did not attend this meeting, and all things were therefore carried out in his absence and contrary to his mandate, he immediately protested, and declared that the actions undertaken by the Chapter were entirely without value. "With my letter of January 11th of this year, addressed to the Signori Canons," thus the Reverend Guidetti wrote in his letter to the Bishop of Regiae, dated February 6th of this year, "I wished to make them aware that in the meeting authorized by me, only the aforementioned matter concerning moria was to be discussed, adding that if other matters were discussed and decided upon, according to the most elementary notions of law, I could object to the nullity of the very acts themselves. Now, I must inform Your Excellency that the Reverend Canon Vice-Prior took it upon himself to convene that Chapter, with the principal purpose of canonically granting possession to the newly appointed canon, Professor Giovanni Cavandoli, and for various other reasons. This, in my opinion, constitutes the contempt for my rights, both as a canon and as Prior, which gives me the right to request, as I do, that the possession granted to the aforementioned canon be declared null and void." Moreover, since the canons had already appealed to the S.H.C. concerning the alienation of a house by Canon Guidetti, the Bishop of Regiae also submitted a new question to the S.H.C. regarding the

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validity of the possession granted to Canon Cavandoli. In his letter to the S.H.C. dated February 15th of this year, the Bishop of Regiae, describing the actions undertaken by the Chapter, expressed his opinion on this matter as follows: "Since Canon Cavandoli had already, in the Curia, received a certain form of possession of his canonry through the imposition of his biretta, I then proceed as follows: 'While the existence of the canonry or priorate of Guidetti is being discussed there, it is clear that I should not intervene. However, I say that that act is neither a spiritual nor a corporal possession; I say that the letter from the Vicar General was addressed to the canons to receive Cavandoli; Guidetti was not present, and in that case, according to the constitutions of that Chapter, the Vice-Prior has all the powers.' It should be noted that in January of this year, not only was Canon Cavandoli admitted to the possession of his canonry in the absence of Prior Guidetti, but also another canon; nevertheless, Prior Guidetti did not protest against the possession granted to this other canon. Furthermore, the Chapter of the Collegiate Church of Saint Prosper no longer receives Aloysius Guidetti, neither as a canon, nor...

[*Latin ed. p. 191*]

•Sacred Congregation of Councils. 191: Because he has alienated the endowment of his canonry, it is not surprising that they do not recognize his rights. "Indeed," they say, "no greater impediment can be conceived for a canon than that he should have extinguished the canonical endowment and deprived himself of the reason and rights of a beneficiary, that is, of a canon." Following another saying, "Only those who have a benefice are admitted to the Chapter," they state that they did not feel obligated to invite Guidetti to the Chapter, although they were willing to tolerate his presence if he were to appear. Therefore, with regard to the alienation of the house by Canon Guidetti, it must be carefully examined to determine whether the alienation was made legitimately, either in its manner or in its substance, and whether, after this alienation, the aforementioned Canon Guidetti is still a canon. Indeed, this question is connected to other questions. Although the Chapter, or the Canons of the Church of Saint Prosper, and Canon Guidetti, the Prior of the same Chapter, disagree in their conclusions, with the former contending that Canon Guidetti has completely lost his rights, and the latter maintaining that he is still a canon and Prior, they nevertheless agree that the alienation of the house, if not legitimate in its manner, was at least legitimate in its substance, and this is due to the disposition of the founder, which stipulated that the canonical endowment should revert to his heirs if, at some time, the same endowment were to be subject to suppression, as everyone believes actually happened in the year 1867. It is not surprising that both the Chapter and Canon Guidetti do not consider the matter in itself, or intrinsically, in as much as the interests of the Church and its well-being are concerned, but rather with respect

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to the person. The Chapter does not want to recognize Canon Guidetti as a member of its body, even if he restores the endowment; the other wants and contends that he is still a canon, even though he has alienated the endowment, because, after all, the endowment itself has not been lost, but rather has been transformed for the better, since the house in which it was established has been sold, and he declares himself ready to provide a guarantee for the same endowment, or to establish a new one, if possible, or to provide a guarantor. Indeed, in his letters to the Most Holy Congregation dated March 2 of this year, Canon Guidetti summarizes what is favorable to him: "In my first statement, I have proven that the house sold was my property. The fact that it was once burdened with a mortgage for the canonical endowment did not constitute ecclesiastical property, as is the case with every creditor."

[*Latin ed. p. 192*]

192 Acta Apostolicae Sedis. - Official Commentary. "The mortgagee is not the owner of the mortgaged property. I have demonstrated that the original mortgage had disappeared at the time of the sale, because, before the civil law, it had lost all efficacy. Only my relatives could have revived it; but there was no need to do so. Consequently, the dowry debt became a simple debt, resulting from the aforementioned Vigano deed, and thus affected all of my property. I have demonstrated that this exceeds seventeen times the remaining value of the small dowry, and that the sale has not in any way worsened its security, but rather has improved it due to the sum that I obtained. I stated that if it had been possible to offer a mortgage on a part of my assets, I would have done so, and I concluded by offering a solvent guarantor. In this memorandum, I demonstrate that the devolutive clause of the dowry in favor of those designated by the founder has occurred; but that the devolution, in its effects, remains suspended until my death." He also asserts this in his final report to His Holiness. Thus, he argues, relying especially on the provisions of Italian civil law, which he also uses to demonstrate that he is still canonically recognized. "Furthermore, I observe (as stated in the aforementioned letters) that the law of August 15, 1867, which abolished ecclesiastical property, has preserved for the beneficiaries all the advantages they enjoyed before that law, namely, the entire interest on dowry capital, the entire income from stable dowry funds, which could not be freely disposed of by the patrons claiming them after the death of the beneficiaries themselves." Contrary to this, the canons, adhering to the provisions of ecclesiastical law, protested against the alienation of the dowry canonically established by Peter Guidetti, and rightly so; and this, moreover, to the detriment of the same canon Guidetti, rather than for the benefit of the canonry's existence and security. They claim that the same canon Guidetti himself has, "perhaps in an incomprehensible manner," been deprived of his canonical dignity and the rights at-

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tached to it. Therefore, in addition to what has already been debated by the eminent Consultor to whom this question has been entrusted, the matter also appears to be worthy of consideration from another perspective. It may certainly be questioned whether the abolition of ecclesiastical property by the law of 1867 was that which, according to Peter Guidetti's intention, would cause the property of the canonry he founded to revert to his heirs. Indeed, after all considerations, it seems that Peter Guidetti understood and intended to prevent the abolition of his canonry, for which reason the property established as a dowry for that canonry had been assigned to the treasury, so that he established that, in this case, the same property should rather be transferred to his heirs. Conversely, the law of 1867 established the same thing with regard to property belonging to benefices of lay patronage.

[*Latin ed. p. 193*]

Sacred Congregation of the Council. It is the case that Peter Guidetti, in order to avoid the loss of his canonry, had stipulated in his will that the patrons should be able to redeem or reclaim the goods pertaining to it. Certainly, in accordance with the aforementioned law, the canonry of Guidetti, as a distinct entity, no longer exists under Italian civil law. However, it is not the case that the patrons are not empowered, should they so desire, to carry out the founder's will and fulfill the obligations attached to said canonry. Indeed, the same law, while permitting patrons who enjoy secular patronage over benefices to reclaim the endowment of those benefices, does not exempt them from fulfilling the obligations with which those same goods were burdened by the founders. It is scarcely doubtful that Peter Guidetti wished that the benefice he established be preserved as much as possible; for, among other things, he himself declares this in the most explicit terms. In the aforementioned petition, in which he requested permission from the civil authorities to establish a canonry, he stated that he wished to "establish a perpetual canonry, as long as the world shall last." This is confirmed by the circumstances surrounding the establishment of the canonry of Guidetti. As Canon Aloysius Guidetti himself openly admits, it is certain that Peter Guidetti had before his eyes the events that occurred under Napoleon I, when the reversibility of goods to heirs was established. In order that the same thing would not happen to his canonry in the future, he wished that the goods constituting the endowment of the same canonry be transferred to his heirs. However, as is well known, under Napoleon I, the benefices of collegiate churches, in particular, were entirely secularized, and their goods were absolutely transferred to the treasury. Perhaps considering this, the canons of Aloysius Guidetti, as it appears, relinquished or donated the endowment of the canonry in its entirety, under certain conditions or for a certain reason. Although the documents of the notaries have not been produced, in which the house now called "of Saint

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Prosper of Strinati" was alienated, nor the other documents drawn up by the notary Vigano, in which, in the year 1887, after the death of his father, the priest Aloysius Guidetti, the brothers Guidetti divided the paternal goods among themselves, nevertheless, there are indications, which are certainly of great importance, from which it appears that what the canons assert in this matter is true. For, in the first place, the alienation of the aforementioned house, whatever may be the case with the mortgage, certainly occurred without the objection of Canon Aloysius Guidetti, and to this day, the endowment of the canonry remains in it; only Canon Guidetti himself continued, without the intervention of his brothers, who would have had an interest in the matter; and furthermore, the canons affirm that this is stated and contained in the aforementioned acts of the notary Vigano.

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis. - Official Commentary. states: "The endowment of San Prospero de' Strinati (that is, the principal of the endowed fund) is assigned in full ownership to Canon Luigi Guidetti, with the express mention that the endowment itself of the Canonry of the Giuspatronato Guidetti, in the amount of L. 9925, is included, as per the founding document." However, it must be noted that this interpretation of the intentions or will of the priest Peter Guidetti, the founder of the canonry in question, is entirely rejected by Canon Aloysius Guidetti. The Chapter's procurator, who indicated this, responded as follows: "From a registered certificate produced by me, it is evident that in the foundations prior to the Napoleonic suppression, there was no provision for the case of a suppression, because such an event had never occurred in its more than millennial history, while in all subsequent foundations, provision was made for the case of a second suppression, which could only be a civil one, since only this one had occurred, and was to occur 67 years after the first."

The founder knew that the Chapter of San Prospero survived the Napoleonic suppression with the four canonries of giuspatronato that were not confiscated; moreover, he had seen the Chapter completed in a few years, and therefore, as he had foreseen a second civil suppression, he could also foresee a second ecclesiastical restoration of the same, given the singular devotion of the Reggiani for San Prospero. Furthermore, he could not ignore the doctrine of Scarfantonio, which was also accepted by the Holy Congregations, that "although a Chapter cannot be begun by one person, because at least three are required to form a Chapter, it can nevertheless be preserved by one person." If he therefore had such concern for the Chapter, he could have preserved it with his own canonry, much more than he could have failed to provide for that of the Parish Priest, which is united to the parish benefice, and he should have foreseen, as has been said, that other foundations would not be lacking. Yet, he did not do so, and inserted the aforementioned clause. Why? I do not wish to act like

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the lawyer of the Lords Canons, but does the loss of civil personality mean so little? We know that 16 years ago, in order not to be reduced to the condition of chaplains, we had to sustain a legal battle against the canon and parish priest, the only one who was civilly recognized." Therefore, the testator's words must be interpreted strictly according to well-known principles of law: "quod testator non dixit, non debet intelligi" and "quod testator non est loquutus, nec voluisse praesumitur."

Regarding the accusation of the Canons, it itself was at least irregular, since he alienated the endowment of the benefice, by virtue of which he was ordained to the Holy Orders.

[*Latin ed. p. 195*]

Sacred Congregation of Councils. In the year 195, the same Canon Guidetti responded, and it is fitting to report these words, as they clarify the matter further: "Having reached an agreement [for the sale, for which he had previously been authorized by the Monsignor Vicar General without the imposition of any condition], I asked the Monsignor Bishop how I should proceed, because the dowry of the canonry was also necessary for the title of sacred ordination. He replied that, given the extent of my patrimony and the trust I placed in its preservation, and availing himself of the faculty granted to him by the Holy See, he dispensed me from establishing a fund. Since, moreover, a mortgage would have been required that was almost equal to the value of the canonical dowry, I was, for the same reason, excused from guaranteeing the latter, all the more so because the related revenues were secure, since I have the principal of the dowry in my hands, and in my case, only the revenues could be asked of me as a guarantee. When I purchased the house, I obtained a loan of L. 40,000 on a promissory note; however, if the Sacred Congregation doubts my solvency, I am ready to offer a joint guarantee and even a mortgage, if I am shown the way to grant it effectively." And these things are sufficient regarding the first question. As for the second, in which Canon Aloysius Guidetti is the plaintiff against the chapter, and which concerns the reception of Canon Cavandoli, it should be remembered that, according to what is stipulated in chapter 33, paragraph 6, regarding the reception of new canons, the reception of new canons should be included among the matters to be discussed, to which all chapter members, even those absent from the city, are to be summoned. Therefore, in this matter, Canon Guidetti may justly complain that he was treated with contempt, and for this reason, he argued that Canon Cavandoli was improperly admitted to the possession of his canonry. Furthermore, the chapter, besides what has already been mentioned, either by itself or brought by the Antistite of Regiae, does not adduce anything else worthy of mention in its favor; it is requested that, if he has erred, the actions taken by him in good faith be rectified, considering especially the piety of Canon Cavandoli and his

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diligence in performing his canonical duties. Finally, nothing should be reported regarding the granting of possession to another canon, named Barani, also unknown and absent, during the chapter meeting held on January 25th of the same year, since Canon Guidetti has not objected to anything concerning what was done at that same chapter meeting. It is known that acts carried out by a chapter improperly convened, because not all invited canons were present, are valid in themselves, unless those who have been harmed object.

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis. - Official Commentary. Finally, it remains to discuss the matter of the location of the priory house, which is the third and final question submitted to the judgment of the Holy Congregation. Although several other disputes arose between the Chapter of the Church of Saint Prosper and its Prior, only three matters were brought before the Holy Congregation: namely, the alienation of the canonical endowment, the validity of the canonical institution of Cavandoli, which was conferred by the Chapter in the absence of the Prior, and the location of the priory house. Therefore, the Chapter vehemently complains that the Prior leased a house designated for his residence to a certain worker without the permission of the Chapter, and to prove that this was not done properly, it appeals to the provisions found in the chapter statutes concerning canonical chambers. In the chapter statutes, the following is read: "Just as the temple and the house of God are to be greatly feared, so also the buildings belonging to it and serving the same should be held in the highest honor; therefore, we decree that in the chambers which are called canonical, and which belong to the canons, neither may anyone be permitted to dwell, unless he is a man of observed and honest life, nor may games be held in them, nor dishonest noises and clamors." It is clear that if men of observed and honest life are permitted to dwell in the canonical chambers, it is not stated that each canon is free to lease his chambers to others who are not of the Chapter, but rather that only men of observed and honest life may dwell in the canonical house together with the canons. But whatever may be the specific statutes of the Chapter of Regiae, the general principles of law, the canonical provisions, and even the light of natural reason easily show that when it is a matter of a house, the ownership of which belongs to the Chapter, and which, moreover, was built or designated for the use of the canons for habitation, that use cannot be turned to others without the permission of the Chapter, both so that the rights of the owner are not violated, and to prevent abuses. Nevertheless, the canon and Prior Guidetti attempts to justify his course of action, stating that he was led to lease the priory house to an honest and reputable worker so that he might recover the sums of money spent on its improvement. Having completed this explanation, the Procurator of the Chapter of Saint Prosper presented acts drawn up by the

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Notary Vigano in the year 1887, in which the goods left by Angelo Guidetti, the Prior's father, were divided among his heirs. Indeed, from these acts, it appears that one of the things asserted by the Chapter is certainly true, namely, that the canon Aloysius Guidetti was a brother.

[*Latin ed. p. 197*]

Sacred Congregation of the Council. 197 [persons], in his favor only six hundred, having received letters from him, relinquished all their rights concerning the canonical endowment of Guidetti, so that he might freely dispose of said endowment. Given that these things are so, the following points are proposed for consideration:

DOUBTS.

1. ° Whether the alienation of the canonical endowment was lawfully carried out, and whether the canonry of Guidetti should no longer be considered to exist in this case. And to both, a negative answer is given.

2. ° Whether and how the restoration of the canonical endowment and its security should be considered in this case in the future.

3. ° Whether the canon Cavandoli was validly admitted to possession of his canonry in this case.

4. ° Whether the method of acting employed by the canons of Guidetti in acquiring the prior's house can be approved in this case.

DECISION.

The Most Holy Fathers of the Sacred Congregation of the Council, in plenary sessions on December 17, 1910, judged it fitting to respond as follows:

To I: Negatively to both.

To II: According to the opinion.

To III: For the sake of caution, in favor of its validity.

To IV: Considering the circumstances presented, negatively.

C. CARD. GENNARI, Prefect.

L. © S. Basilius Pompili, Secretary.

[*Latin ed. p. 198*]

Acts of the Apostolic See. - Official Commentary. 198. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. DECREE ESTABLISHING THE APOSTOLIC PREFECTURE OF BELGIAN UBANGHI. In order that access to the regions which now constitute the Apostolic Vicariate of the Belgian Congo might be opened to a greater number of missionaries, especially among those peoples who, between the rivers Ubanghi and Congo, lead a miserable life in the darkness of paganism, it was deemed expedient to separate the territory which takes its name from the Ubanghi and which, until now, has been included within the aforementioned Vicariate, and to erect it into an Apostolic

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Prefecture. Wherefore, in plenary sessions held on April 3rd, the Most Reverend Fathers of this Sacred Congregation for the Propagation of the Faith, having considered the matter, decided to establish the Apostolic Prefecture of Belgian Ubanghi, with the following boundaries: to the west and north, the river Ubanghi, from the latitude of 1° 30′ north, up to the point where the rivers Bomu and Uele converge; to the east, a straight line drawn from that point to the mouth of the river Itimbiri in the river Congo, and extended to the line parallel to the meridian limits of the town of Abu Mombazi; and finally, to the south, this line first, then the line which divides the waters between the Congo and the Ubanghi, then the line which similarly divides the waters between the Ubanghi and the Ngiri, and finally, to the latitude of 1° 30′ north, up to the river Ubanghi. Furthermore, it was decided that the new Prefecture of Belgian Ubanghi should be entrusted to the care of the Minor Regular Canons. b This opinion of the Most Reverend Fathers was reported by the undersigned Secretary of the same Sacred Congregation in an audience on April 4th to His Holiness Pope Pius X, who, after having considered it, approved it and ordered the drafting of the present Decree concerning the matter. -●/> Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on April 7th, in the year 1911. ae For the Most Reverend Cardinal Prefect, ALOISIUS VECCIA, Secretary. L. s. For the Reverend Father Secretary, Camillus Laurenti, Under-Secretary.

[*Latin ed. p. 199*]

199. The Holy Congregation for the Propagation of the Faith. THE DECREE BY WHICH THE BOUNDARY OF THE SUPERIOR VICARIATE, TOWARDS THE EAST AND SOUTH, IS MODIFIED. In order that the ecclesiastical territories, which lie adjacent to the larger lakes of central Africa, might be distributed more suitably, the Most Reverend Fathers of this Holy Congregation, promoting the Christian name, after holding a plenary session for three days, beginning on the third of April, decided that the boundary which, towards the east and south, separates the Superior Vicariate from the Missions of Victoria Nyanza, of Unianembé, of Tanganyika, and of Nyassa, should be modified as follows: Towards the east: The Anglo-Belgian and German-Belgian boundary, that is, the line which, starting from the southern shore of Lake Albert Edward, leads first to Mount Sabinyo, and then, following the course of the Rusizi River, divides Lake Tanganyika. Towards the south: The Anglo-Belgian boundary, namely, the line running from Lake Tanganyika to Lake Moero. This decision of the Most Reverend Fathers was reported to His Holiness Pope Pius X, by the undersigned Secretary of this Holy Congregation, and in an Audience on the first day of April, His Holiness graciously approved and ratified it, and ordered that a Decree be issued regarding this matter. Given at Rome, from the offices of the Holy Congregation for

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the Propagation of the Faith, on the eighth of April, in the year 1911. For the Most Reverend Cardinal Prefect, the Secretary, ALOISIUS VECCIA, L. © S. Pro R. P. D. The Secretary, Camillus Laurenti, Under-Secretary. III. APPOINTMENTS OF BISHOPS. By Apostolic Brief, the following were appointed: April 8, 1911. — Reverend Father Florianus Démange, from the Seminary of Paris, for the Missions to foreign lands, as titular Bishop of Adrassus and Apostolic Vicar of the new Vicariate of Tai-kou in Korea. April 12, 1911. — Reverend Father Celestinus Ibañez Aparicio, of the Order of the Friars Minor, as titular Bishop of Bagés and Apostolic Vicar of the new Vicariate of Sien-si septentrionalis.

[*Latin ed. p. 200*]

Acta Apostolicae Sedis. - Official Commentary. 20 S. CONGREGATION INDEX DECREE. Tuesday, May 8, 1911. The Holy Congregation of the Index of Prohibited Books, of the Most Holy Roman Church, having been convened by the Most Holy Pope Pius X and the Holy Apostolic See, in the Vatican Apostolic Palace on May 8, 1911, to deliberate on books of pernicious doctrine, and concerning their condemnation, prohibition, expurgation, or permission throughout the Christian republic, condemned and condemns, prohibits and prohibits, and orders that the following works be placed on the Index of Prohibited Books: GABRIELE D'ANNUNZIO, All love stories (Novels and Short Stories). — All dramatic works. — Selected prose. Milan. P. A. S. Catechism of Sacred History. Cremona, 1910. ANTONIO FOGAZZARO, Leila, Novel. Milan, 1911. The Psalms according to the original text. Supplemented and published by Hermann Wiesmann. Part I. Translation and Explanation. Münster, 1906. IOANNES KONRAD ZENNER, MALACHIA ORMANIAN, The Armenian Church: its history, its doctrine, its government, its discipline, its liturgy, its present. Paris, 1910. Therefore, no person of any rank or condition whatsoever shall dare to publish, or, having published, to read or retain, the aforementioned works, under the penalties indicated in the Index of Prohibited Books. IOSEPH TURMEL and PETRUS BATIFFOL, having commendably submitted to the decree of the Holy Congregation, published on January 2, 1911, by which certain books written by them were noted and placed on the Index of Prohibited Books. Also, the anonymous author of the book entitled La vraie science des Ecritures, prohibited by this Holy Congregation by the same decree of January 1, 1911, has commendably submitted to this decree.

[*Latin ed. p. 201*]

Sacred Congregation of Rites. 201. Which, having been related to Our Most Holy Pope Pius X through me, the undersigned Secretary, His Holiness approved the decree and commanded it to be promulgated. In witness whereof, etc. Given in Rome, on the 9th of May, 1911. F. CARD. DELLA VOLPE, Prefect. L. © S. Thomas Esser, O. P., from secret archives. Sacred

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Congregation of Rites. DECREE. CONCERNING THE REPOSITION AND TRANSLATION OF FEASTS IN PARTICULAR CHURCHES. In order that the reposition and translation of Offices may more easily be carried out in particular churches, the Sacred Congregation of Rites, heeding the prayers offered both by the Reverend Local Ordinaries and by the Superiors of Orders or Religious Congregations, and having also heard the opinion of the Liturgical Commission, has decided and decreed that, in accordance with the resolution number 3919 of the Order of Minor Capuchins of St. Francis, dated June 27, 1886, section 16, both the perpetual calendar and the annual calendar of each particular church shall be arranged according to the calendar of the diocese, or of the Order or Congregation; and therefore, just as the Offices which are annually impeded in their own church or oratory ought to be fixed on the first free day in the perpetual calendar, so Offices which are accidentally to be transferred shall be celebrated in the future on the day which is first free in the annual calendar, without regard to Offices which have already been transferred, even if of lesser importance: provided that the Rubrics and Decrees are observed. Contrary decrees are hereby set aside. On the 3rd of May, 1911. Fr. SEBASTIANUS Card. MARTINELLI, S. B. C. Prefect. L. £g S. f Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 202*]

202 Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA. I. BOBBIO. DIVISION. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on March 4, 1911, the Most Reverend Fathers, Michael Lega, Dean, and Ponens, Fridericus Cattani, and Ioseph Alberti, Auditors from Turno, rendered the following final judgment in the case of Bobbio - Division - between the parish of Alpisplana, represented by its procurator, Angelus D. Alessandri, advocate, and the inhabitants of Vicisuperiore, represented by its procurator, Vincentium Sacconi, advocate. The parish of Alpisplana, belonging to the diocese of Bobbio, consists of three villages, one of which is Vicisuperiore (commonly called Vico soprano), another is Vicomedio, and the third is Alpisplana, a name which, as is evident, is derived from the location itself. The parish church is located in Alpisplana, from which it derives its name; however, the greater number of faithful reside in Vicisuperiore, which is situated higher up on the mountain. Consequently, the question arose, and is now to be resolved, that for almost three centuries, the inhabitants of Vicisuperiore have contended that, due to the distance, but especially due to the difficulty of the roads, access to the parish church is difficult for them; therefore, for a long time, they have been striving to obtain a division from the parish church, and to establish their own parish church. And in the year 1668, they were granted permission by the diocesan curia to build a filial church, which they dedicated to Saint Joseph, where Mass began to be celebrated

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on feast days in the year 1698; consequently, a chaplain was appointed at the church, who performed the sacred rites daily and instructed the faithful in the fundamentals of the faith on feast days. Subsequently, more serious controversies and rivalries arose between the filial church and the mother church, which is the truth, so that the faithful of Vicisuperiore would not easily obtain a complete division from the mother church. The diocesan curia, in the year 1744, issued a decree by which certain and defined limits were established for the powers of the chaplain of Vicisuperiore.

[*Latin ed. p. 203*]

The Roman Congregation. 203: But from then on, the disputes were not appeased, and as they grew more intense with each passing day, it was decided in January of the year 1766, in the Holy Congregation of Councils, to resolve the matter with these questions: I. - "Is there a place for the division of the parish of Alpisplana and the erection of a new parish in the village of Vici superiore? And, to the contrary; II. - "Is the current pastor of the aforementioned land of Alpisplana obliged to retain a curate in the church of Saint Joseph in the aforementioned village of Vici superiore; or rather, how should provision be made in this case?" And the following decree was issued: "Negatively to the first part; affirmatively to the second, namely, granting the chaplain of Vici superiore the faculty of retaining [a priest], at the expense of that people, to hear public confessions of the sacraments in this oratory, to keep the most holy Eucharist and the Holy Oil therein, and to administer them, and also to celebrate Mass on solemn days, with all parochial rights reserved." These faculties were supplemented in the year 1786, when permission was granted to erect a baptismal font in the aforementioned oratory and to build a cemetery near the same oratory. At the beginning of the 19th century, the parish church was completely destroyed and had to be rebuilt from the foundations, and the inhabitants of both Vici superiore and Vici medio did not leave any stone unturned in order that the church might be built in a more accessible location for the inhabitants of both villages: and this difficulty was not only faced by the public officials who were overseeing the construction of the church, but also by others who had to find a stable site on which the new church would be built. In fact, after a careful survey of the land was carried out by experts, the church was built where it stands today, on more solid ground than the old church that had been destroyed, and closer to the other two villages, as had been desired. Nevertheless, the inhabitants of Vici superiore did not cease from their efforts, and in the year 1841 they raised fervent prayers that their church might be elevated to the status of a parish. However, the Bishop of that time, the Venerable Giannelli (whose cause for beatification and canonization is currently being considered in the Holy Roman Congregation), saw that, despite the valid reasons presented, the repeated insistence of these people should be received, and, with broader faculties

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granted to the chaplain, he intended to proceed to the decree of division at a later date, when a suitable parish could be established. Although this was not achieved at that time, the people of Vici superiore were able to achieve it in our day: therefore, in the year 1907, after the ordinary process, the desired division and the erection of a new parish were decreed by the Reverend Castelli, the Most Reverend Bishop and Apostolic Administrator of the Bobiensis diocese, "reserved as a sign of deference and reverence to the Church."

[*Latin ed. p. 204*]

204 Acta Apostolicae Sedis. - Official Commentary. "with an annual wax contribution, in addition to the faculty of collecting once a year during the harvest season, within the territory of the new parish." However, both the parishioners of Alpisplan and the administrators of the church insisted on obtaining this decree judicially; this insistence, introduced into the Sacred Congregation, was pursued before the Holy Tribunal by a commission of Our Holy Lord, and today the question is to be defined under this formula for consideration: "Should the division made by the decree of November 19, 1907, be maintained, or rather, should it be revoked?" Regarding the solution of this question, the Reverend Fathers, with regard to the facts, considered it necessary to note the following further points: 1.° The distance between the places is certainly not significant; however, the difficulty of the roads cannot be doubted, especially during the winter, which is long and harsh in that mountainous region. 2.° This inconvenience was even greater when, before the beginning of the last century, the old parish church was more distant from Vico Superiore than the current one, as reported in the specific facts: nevertheless, there are more serious documents, and especially the testimony of the Most Reverend Prelate Giannelli and his decrees, confirming that access to the new church is not easily and conveniently accessible to the inhabitants of Vico Superiore, especially during the winter. 3.° Today, legitimate witnesses confirm this fact, and indeed, all exceptions are made, namely, the Reverend Morganti, Archbishop of Ravenna, formerly Bishop of Bobbio; the Reverend Castelli, who held the apostolic administration of the diocese of Bobbio, and who published the controversial decree; and the current Bishop Marelli. The support of the Cathedral canons and the testimony of the local syndic are also important. 4.° It should not be overlooked that there is a serious antipathy that has long existed among the inhabitants of Vico Superiore towards the inhabitants of Alpisplan, a fuel for old and current disputes, which, rather than being appeased, are becoming more and more intense from day to day; and although this is largely attributable to the excessive eagerness of people to assert their independence from the subjection of others, in fact, it prevents all the parishioners from being governed by one pastor with the necessary benefit to their spiritual well-being. - Cardinal De Luca taught that such a

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fact should be highly valued in this matter, in Annot. ad Conc. Trid. disp. 16, n. 8. 5.° Finally, regarding the material condition of the church of Alpisplan, it is established that it requires some repairs, but that it is not ruinous, and certainly suitable and properly suited for the due and proper performance of divine worship.

[*Latin ed. p. 205*]

The Roman Rota has heard the testimony of experts under oath, and ecclesiastical officials appointed by the Bishop have presented their findings regarding the state of affairs, in accordance with the will of this Sacred Tribunal. Therefore, conformity with truth and prudence must be observed. The Bishop, after having examined everything with his own eyes, reported in writing on January 5, 1911, that he had found the aforementioned church "to be among the most solid, well-maintained, and worthy churches of the diocese," and he concludes: "I was therefore, and I remain, in the conscientious decision to avail myself in the future of the expertise of Rizzuti" – who estimated a very large sum, amounting to 14,000 pounds, as necessary for the restoration of the church – "as a guiding principle for approving or not approving, when necessary, works for the church of Alpepiana, and in the meantime, I have issued a decree during the pastoral visitation, ordering the necessary works in the aforementioned church, according to the sworn expertise of Paccarone; I have, however, refrained until now from summoning [the parties] etc." Having noted these facts, the following observations are made regarding the law: The rule to be observed in this matter is established by the Council of Trent, Session 21, Chapter 4, where it is prescribed: "In those churches in which, due to the distance or difficulty of the location, the parishioners cannot easily access the sacraments and divine services, new parishes may be established, even without the consent of the rectors, according to the form of the Constitution of Alexander III, which begins 'Ad audientiam' (For the hearing)." The Council states: "even without the consent of the rectors," meaning illegitimately without their consent; for the rectors of churches are legitimately invited – and therefore should be heard – if there is no true canonical cause for division. Indeed, the Council itself, in the first part of the aforementioned chapter, commands that rectors should take on assistants for the care of souls if it is deemed suitable for the benefit of the faithful. From this perspective, the division of parishes is odious, because it should not be decided upon unless there is a canonical necessity, and it also contains a certain "alienation," as all canonists teach when interpreting the aforementioned chapter "Ad audientiam." Thus, for example, Cardinal De Luca, in his Disputationes, 12, 4, 8, on Tithes: "By the erection [of a new parish], the ancient parochial church is impoverished, and its dignity is diminished." Therefore, the Council of Trent, in the aforementioned chapter, commands that the good of the faithful should be consulted through the appointment of assistants, and

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that a division of a new parish should not be undertaken unless the faithful can scarcely access the Church, or with great difficulty, as had already been established in the chapter "Ad audientiam." This rule has been strictly, or rather, with some rigor, applied by the Sacred Congregation of the Council, as testified by Benedict XIV, Institutiones Ecclesiasticae, 93, and a decree was issued by the same Congregation in Aquen, August 2, 1721, in Lünen, September 27, 1732, and January 24, 1733; however, a division [of a parish] was permitted.

[*Latin ed. p. 206*]

206 Acta Apostolicae Sedis. - Official Commentary. The resolutions in Meliten, January 19, 1735; Derthonen, January 28, 1736; Asculana, April 11, 1739; Novarien, September 20, 1760; Ariminen, March 26, 1783, and August 8, 1789, and Verdiana, May 22, 1784, demonstrate that such divisions have not been decreed except for grave reasons. This Sacred Tribunal strictly adheres to the principle in resolving such matters, namely, that a parish benefice should not be divided if, in other ways, the good of souls could be served; nor can the jurisprudence of the Holy See of the Order be otherwise, because it is the duty of the judge to apply the law, or the Holy Canons, as they have been proposed by a competent authority. Indeed, in recent decisions, such as decision 224, nos. 6 and 8, and decision 578, nos. 2 and following, part 19, decision 204, no. 1, part 17, and decision 484, no. 3, part 1, this rule is affirmed by the Holy See of the Order, namely, that the necessity for division must be derived from the distance of the places from the very parish church, but in such a way that it makes access to the church difficult for the parishioners, hindering the reception of the sacraments, the hearing of divine services, and the administration of the sacraments to those at the point of death, so that a danger to souls results. Therefore, in decision 378, nos. 5 and following, part 19, among recent decisions, it is decreed that division cannot be decreed when the well-being of the parishioners is equally well served by the appointment of a vicar. And in decision 484, nos. 4 and following, part 1, recent, it is asserted that division should not be decreed, even if it sometimes happens that some parishioners have died without the sacraments, if the inconvenience can be remedied in some other way, either by the appointment of a coadjutor, or by the construction of a new chapel. However, this latter assertion could be considered too severe if applied strictly, as Fagnan points out in his commentary on the cited chapter, "Ad audientiam," no. 17: "Nor is it required that parishioners should sometimes die without the sacraments... Therefore, it is sufficient for the validity of the erection that there is a danger that they might die in such a way: and such an event is not to be expected, but rather to be prevented, and so judged the Holy Congregation of the Council." And for the sake of the present controversy, Pignatelli makes a very pertinent observation: "If it is established that the road is mountainous, rough, muddy, and so

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difficult that the parishioners cannot, without great inconvenience, indeed even danger, access the parish church to receive the sacraments and hear the divine services, especially in winter, due to rain and snow, then the division, or the erection of a new parish, is considered necessary." (Cf. T. IV., Consult. 230, no. 9). Indeed, the Holy Congregation of the Council, interpreting the circumstances and necessities of the times, adheres more to the intention of the law than to its literal wording, and has softened the harshness of the enunciated jurisprudence, as explained by Ferraris in his...

[*Latin ed. p. 207*]

The Roman Canon Law, vocabulary, section on "Dismemberment," number 30, and following. "It had been the opinion in the forum that, even with a just cause, it should not be necessary to proceed with the dismemberment of a parish, if it was possible to retain a chaplain in some chapel who could be available for the spiritual needs of the parishioners who could not attend the parish church, either because of distance or the difficulty of the journey; thus, the Rota consistently responded, notably in the recent decision 578 (already cited, etc.). And the Sacred Congregation of the Council, in the case of Berthonen, regarding dismemberment, on April 5, 1732, etc., decisively held this opinion. And this opinion was followed, whether the dismemberment of the parish was requested due to a temporary impediment, such as a river or torrent overflowing in the winter, or even due to a permanent impediment, namely, distance... and whether a new parish was to be established from the assets of the old parish, or from assets coming from elsewhere, as the same Sacred Tribunal held before Falconer, in decision 34, number 13, in Miscellanea. But most recently, the Sacred Congregation of the Council took a different view in the case of Gomen, on December 3, 1750. For it held that it was necessary to proceed with the dismemberment of the parish, even if the pastor of the old parish offered to retain a chaplain in some chapel who could assist with the spiritual needs of the parishioners who had a just cause for the dismemberment. To avoid the dismemberment, more recently, on November 3, 1753, and again on February 17, 1755, the offer was made not to retain one chaplain, but two, but the Sacred Congregation did not accept this proposal, because the true end was the concord that resulted in the dismemberment and thus the establishment of a new parish." This more lenient interpretation was strongly affirmed by the Holy See in several decisions of our time, which are very consistent with the cooling of the charity and faith of the faithful in God and His religion. Thus, in Beatina, on September 20, 1817; in Urbinata, on November 27, 1852, and November 20, 1853; in Manfredonia, on January 25, 1879; in Concordien, on January 19, 1889; and in January, on June 7, 1907, the intention and the jurisprudence arising from these decisions are interpreted and commented upon in the journal *Acta Apostolicae Sedis*, Volume XIII, Appendix VI.

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"Dismemberment (was) formerly considered only as a last resort; so that it had no place whenever the need could be met by a parochial vicar. For almost half a century, a milder judgment was made regarding the evident utility of the church, so that this should not be confused with absolute necessity. Hence, in more recent practice, little account is taken of subsidiary or last resort remedies. And insofar as the utility appears to be for the good of souls, dismemberment is decided upon, and is not easily rejected, if it has been carried out by the Bishop, especially if there are sufficient assets or revenues for a new pastor..." In these our times, the Sacred Congregation of the Council has taken a different view; and it is wise that it has done so.

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis. - Commentarium Officiale. It is observed that a small number of individuals of our time exhibit a certain ingenuity. Many depraved morals, like wolves who would devour the flock unless they perceive at least some evident benefit, suggest the need to increase the number of pastors. However, upon closer examination, this difference between the ancient and modern jurisprudence consists entirely in a different assessment of the fact, or of the circumstances in which there is a difficulty or inconvenience for some parishioners in accessing the parish church. This inconvenience is more or less serious, if not absolutely, at least relatively, depending on the different places, and especially the customs of the people. Fagnan, in the Commentary on chapter "Ad audientiam," no. 2, teaches: "First, it should be noted without great difficulty that this is a just cause for dividing a parish and building a new church within its boundaries if the parishioners cannot easily access the old church; the Council of Trent said without great inconvenience in chapter 4, session 21, and rightly, for we can only do what we can conveniently do, as L. nephew Proculus says in 'De verb. signi,' f.; or, whether this difficulty in accessing the mother church arises from distance or from another cause, it makes no difference." And De Luca, in discourse XII, on Tithes, explains what is the nature of the controversy regarding the division of a parish and why such discordant decisions have been made, teaching: "Although the opportunity has not been lacking to discuss this matter more fully and maturely in the Rota; nevertheless, I have always believed that this is not a question of law, but rather of fact and will, as the Rota itself has recently recognized in Hispalen, or Nullius Decimarum, November 23, 1761, c. Bourlemont, namely, that primarily, based on the quality of the fact and the circumstances thereof, the response was in favor of the old church against the modern one that was divided; and therefore, according to the frequently stated rule in such matters of fact and will, it seems erroneous to proceed with generalities or with decisions given in some particular cases; whereas the decision in each individual case should be based on its specific circumstances and the

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quality of the fact itself." In this matter, the distance is not so great as to require division, nor does the difficulty of access seem so great as to render the consultation of the parish priest through a chaplain in a filial chapel insufficient; but the Reverend Fathers considered that there should be a great antipathy between the faithful of Vici superior and Afpisplana, so that the pastoral ministry, if administered by a single parish priest of the place of Alpisplana, would be less useful to the parishioners of Vici superior; and De Luca teaches that this antipathy can be assessed in certain circumstances as a canonical cause for the division of the parish in Annotations on the Council of Trent, discourse XVI, no. 8.

[*Latin ed. p. 209*]

St. Boman Bota. 209 Furthermore, the opposition raised by the parish church should be given less weight, since its endowment is not properly divided, but rather the territory is merely dismembered: and indeed, the dismemberment or division of a parish territory is less objectionable in law than the division of benefices themselves, according to the prescription in Chapter VIII, title V, concerning benefices and dignities: "We prohibit the division of benefices." The inhabitants of Vicosoprano offer an endowment for the new parish. It is helpful to hear again what De Luca states, considering the matter from this aspect (De Decimis, cited discourse, n. 8): "Therefore, Ordinaries usually proceed with such new establishments with a formal dismemberment, to the extent that the part of the parishioners who request it adequately endows the new parish, so that the old parish does not suffer this detriment at least in this regard; moreover, because such new establishments are often requested not so much for the more convenient administration of the sacraments, as for a certain superiority of one community over another in which the parish is situated." And Monacelli (Formul, leg. Vol. I, title II, n. 6 and 7) states: "However, it is true that a formal dismemberment is often resorted to when a part of the parishioners or a community requests it because of the distance of the place or the great inconvenience of the journey, in order to adequately endow the new parish to be established: then the offer of a chaplain or coadjutor for the administration of the sacraments on holidays made by the pastor to avoid dismemberment is not sufficient to delay the erection of the new parish, but the latter proceeds justly, notwithstanding." Moreover, the dismemberment, which is inherently objectionable and therefore meets with legal resistance, is less objectionable in this case, to the extent that the alienation of the rights of the old church is minimal, and its endowment is not diminished in any way, at least directly. Indeed, according to what the Bishop reports and what has already been discussed among the facts, the church of Alpisplanensis needs restorations that can be conveniently completed, even with the decreed dismemberment. However, the rescript of the Holy Order of September 6, 1909, ordered that the new parish should

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be endowed with a certain sum for the expenses of divine worship and for necessary restorations, and this has been considered by the RR. DD. in law. Undoubtedly, the Church should enjoy its endowment when a parish is established, as Fagnan, I. c, n. 7, teaches, following the spirit of cap. Nemo de consac. dist. 1, "which prohibits the building of a church without a competent endowment." Also, argument., cap. 8, de cons. Eccl., 48, Decr. Greg. IX. The endowment, as Wernz explains, Ius decret., II, n. 252, requires "both for the support of the beneficiary, and for the fulfillment of the obligations of the fabric."

[*Latin ed. p. 210*]

The provided text does not contain any Scripture quotations, including Rev 18:22. Therefore, no changes are required.

210 Acta Apostolicae Sedis. - Commentarium Officiale. "eadem ecclesiae et cultus divini." Et Schmalzgr., De ecclesia aedificanda, n. 22, dicit: "Dotes eiusdem (ecclesiae) tantae esse debent ut ex eis luminaria et cetera ad sacrum ministerium necessaria haberi, ministri eiusdem commoditer sustentari, iura episcopalia persolvi, in pauperes liberalitas et similia onera supportari valeant." Sic Reiffenstuel, ibidem, n. 9, et communiter omnes doctores. In hoc casu, autem, consideratur dotes congruae pro sustentatione parochi. Etiam nonnulli redditus suppetunt pro expensis cultus: parochiani vero qui iure tenentur ad expensas suppeditandas pro cultu divino et ecclesiae fabrica, et qui, ut docent citati doctores, compelli possunt a Episcopo, etiam adhibitis poenis ut huic oneri satisfaciant, sunt ita animo comparati ut libentissime et copiose concurrant ad eiusmodi expensas ferendas. Quare his omnibus perpensis quoad decreti substantiam recto tramite fluit conclusio, nempe dismembrationis decretum esse ratum habendum et confirmandum. Neque Patribus visa est obstare duo difficultates formam decreti attingentes. Quarum prima habetur ex eo quod S. Congregatio Concilii, suo rescripto mense Ianuario anni 1765, reiecerit petitam dismembrationem et clausulam addiderit "amplius" seu "amplius causa non proponatur." Siquidem haec clausula afficit quaestionem tunc propositam et in certis facti adiunctis consideratam, quibus attentis illud secutum est rescriptum. Agebatur potissimum de defectu dotis ex parte parochiae erigendae, cui tribui sufficiens dos non poterat ab Ecclesia matrice quae et ipsa vix congrua dote potiebatur. Hodie res diversimode se habet. Denique animadversum est, rescriptum et rescripti clausulas afficere partes contendentes: nam iuxta tritum dictum, res inter alios acta aliis nec nocere nec prodesse potest. Quare praedicta sententia nullimode cohibere aut restringere poterat Episcopi Ordinarii facultatem eidem competentem ad tramitem cap. 4, sess. 21, Concilii Tridentini. Altera difficultas sequitur ex eo quod decretum dismembrationis editum sit in Curia Firmana, cum attingeret dioecesim Bobien. Siquidem revocata est regula iuris: Extra territorium ius dicenti

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non paretur impune. Neque diluitur obiectum, quia Archiepiscopus Firmaniensis erat una simul Administrator Apostolicus Bobiensis. Nam in eadem persona cumulabantur duo tituli ordinariae potestatis qui tamen duo distincta territoria respiciebant.

[*Latin ed. p. 211*]

Saint Bonaventure teaches that the decree of dismemberment is not contained within that jurisdiction which is contentious, which only the judge must exercise within his own territory, but rather within the voluntary jurisdiction. "These two species of jurisdiction differ (as Reiffenstuel teaches, *De officio et potestate judicis ordinarii*, n. 8), among other things, in that the exercise of voluntary jurisdiction does not require a formal trial, nor a judicial process, nor is it necessary for the judge to sit as a tribunal; although, sometimes, some extrajudicial investigation of the case is required. Therefore, it can also be validly and lawfully exercised in another's territory without injury to the judge of that place. On the other hand, a contentious jurisdiction cannot be exercised without a judicial process, and therefore, outside the judge's own territory and in another's, it cannot be exercised without the express or tacit consent of the judge of those places, and also of the parties in dispute." Indeed, the matter of dismemberment itself is extrajudicial and pertains to voluntary jurisdiction; the procedural forms are investigative or ordered to ascertain the facts, but are not properly judicial, as long as the parties concerned do not obtain before a competent judge the very decree of dismemberment, as is the case in our present action. Nevertheless, unless there are certain reasons, it is advisable that such decrees be issued within the territory of the diocese to which the decree pertains. Therefore, the Most Reverend Ordinary prudently ordered that the promulgation of the decree be carried out in the Bobbio court. But in no way can the question of the nullity of the decree arise from this point. Having carefully considered and pondered all of the above, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, declare, decree, and definitively sentence, answering the proposed question: "Affirmatively to the first part, Negatively to the second part, but We firmly affirm the right of the Church of Alpisplana to collect the annual offerings in the parish of Vicisuperiore, as in the decree of the Bishop; and also to demand an extraordinary contribution, at least of works, to be determined and urged by the Bishop, according to the sacred canons, if the church of Alpisplana needs serious and extraordinary repairs. We also decree that the expenses be compensated between the parties." Thus We pronounce, ordering the Ordinary of the place and the Ministers of the Tribunals to whom it pertains, to order the execution of this Our definitive sentence, and to proceed against those who resist,

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according to the norms.

[*Latin ed. p. 212*]

Acta Apostolicae Sedis, – Official Commentary. Referring to canons 3, Session 25, concerning Reform, of the Council of Trent, and applying the executive and coercive means which will be more effective and appropriate for the circumstances. In Rome, at the seat of the Sacred Roman Rota, on the 4th of March, 1911. Michael Lega, Dean, Presiding. Fridericus Cattani. Ioseph Alberti. L. |$j S. Sac. Tancredes Tani, Notary. II. Edictal Citation: PANAMA. NULLITY OF MARRIAGE (PORRAS-PANIZA.) In the initial presentation of this cause before the Holy See Tribunal, after Mrs. Eva Rachael Paniza had been duly summoned, and after the Curia of Sonora in the Republic of Mexicana, to which the mandate to notify the aforementioned woman of the pending citation had been entrusted, had reported that it was unable to execute the commission, because the domicile of the aforementioned woman could not be found, the aforementioned Mrs. was cited, according to the law, by means of an Edict, inserted in the Official Commentary « Acta Apostolicae Sedis ». However, despite this edictal citation, the same Mrs. Paniza did not appear in court, and a judgment was issued against her in absentia, declaring the marriage null; and since the Defender of the Bond, by virtue of his office, has appealed against this judgment, as is legally required, the undersigned Auditor of the Sacred Roman Rota, and Presiding Judge, in accordance with article 24, § 4, of the Regulations for proceedings before the Sacred Roman Rota, by the present edict, to be inserted in the same Official Commentary, orders that the opposing party be again summoned, to appear either in person or through a duly appointed procurator, on the 1st of the coming month of July, before the same Tribunal; and if she does not appear, she shall be considered contumacious, and after hearing the Defender of the Bond in office, the proceedings shall continue, and on the 14th of the same month, the cause will be debated under the following question: Whether—

[*Latin ed. p. 213*]

213. The Sacred Roman Rota. The decision of the 20th of December, 1910, must be either confirmed or rejected in this case? Therefore, any Ordinary who has knowledge of the domicile or place of residence of the aforementioned lady should, if and to the extent that it is possible, ensure that she is informed of this edictal citation. Rome, 29th of April, 1911. Franciscus Heiner, Prelate. Sac. Tancredes Tani, Notary of the Sacred Roman Rota. L. £ß S. (Translation). TRIBUNAL OF THE SACRED ROMAN ROTA. Citation by Edict. PANAMA. - NULLITY OF MARRIAGE (PORRAS-PANIZA). When this case was first presented to the Tribunal of the Sacred Rota, Mrs. Eva Rachel Paniza, duly cited, was declared to have an unknown domicile by the Curia of Sonora (Mexico), which was appointed by the Sacred Rota

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to notify the aforementioned citation. Consequently, upon receiving information that the Curia of Sonora had not been able to execute this mandate, Mrs. Paniza was cited in accordance with the law, by an edict inserted in the Official Bulletin, "Acta Apostolicae Sedis." Notwithstanding this latter citation, Mrs. Paniza did not appear; she was declared contumacious, and her marriage was declared null. Against this final sentence of nullity, the Defender of the Bond has legally appealed. Therefore, the undersigned, Auditor of the Sacred Roman Rota and Prelate of this Cause, orders that, in accordance with Article 24, paragraph 4, of the Rules to be observed before this Tribunal, the present edict be inserted in the Official Bulletin, and that, through it, Mrs. Eva Rachel Paniza be again cited to appear before the same Tribunal, either in person or through a legitimately constituted proxy, on the 1st of July next, so that the appeal may be heard in this same case. And if she does not appear, she will be held contumacious, and, after hearing the Defender of the Bond, the proceedings will continue, and on the 14th of the same month, the Sacred Tribunal will pronounce judgment on the doubt thus formulated: "Must the Rotarian sentence of the 20th of December, 1910, be confirmed or rejected?" Consequently, any Ordinary who has knowledge of the domicile...

[*Latin ed. p. 214*]

Acta Apostolicae Sedis. - Official Commentary. 214, from the place of residence of Madame Paniza, must ensure, to the extent possible, that she is informed of the present summons by official notice. Rome, April 29, 1911. François Heiner, Secretary. Sac. Tancredes Tani, Notary of the Holy Roman Rota.

S. CURIAE SECRETARIA DI STATO

In the name of the Holy Father, He has deigned to appoint:

May 4, 1911. — The Most Reverend and Venerable Monsignor Pietro Rossetti, Auditor of the Sacred Roman Rota;

With a letter and a Brief from the Secretariat of State, He has deigned to appoint:

Protonotaries apostolic, as if participating:

March 7, 1911. — The Reverend Enrico Delassus, of the archdiocese of Cambrai.

March 23. — Monsignor Cesare Cerretti, Vicar of the Patriarchal Liberian Basilica.

April 1, 1911. — The Reverend Canon Edmondo Surmont, General Vicar of the archdiocese of Westminster.

April 5. — Monsignor Luigi Teofilo Cosnilleau, of the diocese of Versailles.

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Domestic Prelates of His Holiness:

March 7, 1911. — The Reverend Canon Raimondo Amedeo Maria Scalbert, pastor and dean of Dunkerque, of the archdiocese of Cambrai;

— The Reverend Canon Carlo Enrico Cappliez, pastor and dean of Saint Nicholas of Valenciennes, of the archdiocese of Cambrai.

April 10, 1911. — The Reverend Giuseppe Neindeifel, pastor in Vienna.

April 19. — The Reverend Leone Prato, pastor of Saint Secondo in Turin.

[*Latin ed. p. 215*]

Diarium Romanæ Curiæ. 215 HONORS His Holiness, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, Commander: April 11, 1911. — To the Most Reverend Monsignor Gastone Cardinael, of the archdiocese of Malines. April 20. — To the Reverend Mr. Enrico Eras, of Bois-le-duc. The Order of Saint Gregory the Great, civil class, Knight: March 4, 1911. — To the Reverend Mr. Leone Bonnel, of Cambrai. March 6. — To the Reverend Doctor Gustavo de Corbie, professor of civil law at the Catholic University of Lille; — To the Reverend Doctor Giovanni Maria Redier, titular professor of pathology at the Catholic University of Lille. April 8, 1911. — To the Reverend Viscount Luigi de Gibon, of the diocese of Coutances, President of the Diocesan Society of Catholic Youth. April 10. — To the Reverend Count Raoul Maria Giuseppe d'Osseville, of the diocese of Coutances, President of the Diocesan Federation of Fathers of Families. April 11. — To the Reverend Mr. Andrea Torricelli of Florence, President of the Florentine Diocesan Directorate.

DOMESTIC STAFF OF HIS HOLINESS APPOINTMENTS His Holiness, with a letter from His Eminence, the Reverend Monsignor, the Major Domo, deigned to appoint: Honorary Secret Chamberlains: April 22, 1911. — Reverend Monsignor Giovanni Anfossi, of the archdiocese of Turin. April 25. — Reverend Monsignor Gustavo Ernesto Coelho, of the diocese of Marianna; — Reverend Monsignor Giuseppe Pierleoni, of the diocese of Norcia; — Reverend Monsignor Sigismondo Paciorkowski, of the archdiocese of Warsaw.

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis. - Commentarium Officiale. Camerieri segreti de spada e cappa soprannumerari: 18 Aprilis 1911. — Dominus Edoardo J. Du Mee, ex archidioecesi Philadelphiae; — Dominus Petrus Kernan, ex archidioecesi Philadelphiae. 22 Aprilis. — Dominus Baro Ioannes de Trétaigne. 29 Aprilis. — Dominus Carolus Gulielmus Clifford, ex dioecesi Shrewsbury. Cappellanus honorarius extra urbem: 25 Aprilis 1911. — Episcopus Jóse Joâo de Deus, ex dioecesi Campanha. NECROLOGIUM Maii 1911. — Episcopus Ioannes Szabó, episcopus Armeno-polis vel

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Szamos Ujvár.

[*Latin ed. p. 217*]

Year III. - Volume III. May 31, 1911. No. 7. *MITÏIPOSTOUGAEI^ COMMENTARY OFFICIAL*.

ACTS OF POPE PIUS X.

ENCYCLICAL LETTER TO VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARYS OF PLACES WHO HAVE PEACE AND COMMUNION WITH THE APOSTOLIC SEE.

PIUS PP. X.

TO THE VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION.

We believe that it is well known to all of you, Venerable Brothers, that in Lusitania, a certain incredible course of events has been taking place, involving acts of persecution against the Church. For, who is unaware that, since the state of that nation has been transformed into a republic, one thing after another has begun to be enacted, bearing the odious mark of hatred towards the Catholic religion? We have seen religious families violently expelled from their homes, and these, for the most part, cruelly and inhumanly driven out of the borders of Lusitania. We have seen, in a persistent effort to profane all civil order and to leave no trace of religion in public life, the feast days of the Church being removed from the calendar; the religious note inherent in the oath of allegiance being removed; a law on divorce being hastily enacted; and the precepts of Christian doctrine being excluded from public schools. Finally, omitting other things which it is too long to recount, we have seen...

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis. - Commentarium Officiale. that these Antistites of the sacred rites were requested, and that two of the most distinguished Bishops, the Portuguese and the Beiensem, men renowned for the integrity of their lives and for their great merits for the Church and their homeland, were to be deprived of their honorary positions. — Now, since the new rulers of Lusitania were exhibiting such examples of imperious wickedness, you know how patiently and moderately this Apostolic See has acted towards them. Indeed, we have deemed it necessary to exercise the utmost caution, lest anything be done that might appear hostile to the Republic. For there was some hope that they would eventually adopt

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sounder policies, and that they would, in some way, make amends for the injuries inflicted upon the Church. But, alas, we are deceived: for they are now adding a most heinous act to their crimes, by promulgating a most deplorable and pernicious law separating the State from the reasons of the Church. Truly, this wound, so grave to the just religion of the Catholic faith, cannot be tolerated or passed over in silence by us, who are bound by the apostolic office. Therefore, through these letters, we call upon you, Venerable Brothers, and we denounce to the entire Christian world the enormity of this deed. From the very beginning, the law of which we speak appears absurd and monstrous, because it declares the public administration to be independent of the divine cult, as if the public administration, and indeed every individual and every association of men and every community, did not depend on Him who is the Creator and Preserver of all things: moreover, because the observance of the Catholic religion benefits Lusitania; we say, of this religion, which has always been the greatest support and ornament of this people, and which the vast majority of citizens profess. Yet, nevertheless, they have decided to sever this union between the State and the Church, and to dissolve it, confirmed as it was by solemn acts of faith. Given this division, it would indeed be fitting to abandon the Church and to allow it to be used freely and by right, as every citizen and every honest society of citizens uses. But this is not the case. For although this law is called a "separation," in reality it has the effect of subjecting the Church to external...

[*Latin ed. p. 219*]

Acta PP. X, 219: The Republic, stripping the Church of its assets in times of extreme need, surrenders those things which pertain to sacred power and the spirit to the oppression of the state. And first, with regard to external matters, the Portuguese Republic so separates itself from the Church that it leaves nothing for it from which it can defend the honor of the House of God, support the clergy, and perform the works of charity, piety, and beneficence. Indeed, according to this law, not only are all things, whether movable or immovable, that the Church possesses, removed from its possession, even though acquired with the best of rights; but also every power is taken away from it to acquire anything for itself in the future. It is stipulated that certain bodies of citizens should preside over the performance of divine worship; but the power granted to them to receive whatever is offered for that purpose is strangely restricted. Furthermore, the laws extinguish and abolish those obligations by which Catholic citizens were accustomed to provide some assistance or stipend to their parish, prohibiting that anything be demanded under that name in the future. Indeed, it allows that Catholic citizens themselves should provide for the expenses of divine worship through voluntary contributions; but it commands that a third part of that entrusted for that purpose be deducted and applied to the

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services of civil beneficence. And to all of this is added, as if a burden, that buildings which may be acquired or constructed in the future for the use of the sacred rites, after a defined number of years, shall be returned to the public, with the legitimate possessors removed and without any compensation being paid to them. But in matters in which the sacred power of the Church properly resides, the deception of this Separation is much more serious and much more pernicious, as we have said, and it leads to the very degradation of the Church itself. First of all, the Hierarchy is completely, as it were, ignored. If mention is made of any men of the sacred order, it is only to prohibit them from interfering in any way with religious worship. All care demanded of associations of laymen, whether already established or to be established, for the sake of beneficence, and indeed established.

[*Latin ed. p. 220*]

220 Acta Apostolicae Sedis. - Commentarium Officiale. In accordance with civil law, these matters are not subject to the authority of the Church, but are governed by the Republic. If there is disagreement among clerics and laymen regarding a matter entrusted to an association, or if there is disagreement among the laymen themselves, the matter is to be judged not by the Church, but by the Republic, which alone has jurisdiction in these institutions. Furthermore, even in matters concerning divine worship, the rulers of Portugal do not allow the clergy a place, as it is expressly prescribed and established that those who are devoted to the ministry of religion cannot be included in the parish councils or called to participate in the administration or management of the associations mentioned above; and this prescription is so unjust and intolerable, as it places the clergy in a lower position than other citizens in the very matter in which they serve. It is scarcely credible that the laws of Portugal should thus restrict and fetter the freedom of the Church; indeed, this is contrary to the institutions of our time, and even to the public proclamations of all freedoms; it is something unworthy of any human or civil society. Therefore, it has been decreed with severe penalties that no acts of ecclesiastical officials may be printed or published in any way, nor may they be presented to the people, even within the walls of the temples, without the permission of the Republic. Furthermore, it is forbidden outside the limits of the sacred buildings to celebrate any solemn ceremonies, to hold any processions, or to wear sacred ornaments or even the clerical garb. Moreover, it is forbidden to affix anything to public monuments, but also to the buildings of private individuals, which bears the mark of the Catholic religion; but nothing is forbidden that might offend Catholics. Furthermore, it is not permitted to form societies for the purpose of religious piety and worship; indeed, societies of this kind are treated in exactly the same way as those nefarious societies which are formed for the purpose of committing crimes.

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In addition to these things, Catholics are unjustly restricted by this power, contrary to law and justice, if they wish to use their property or contribute to the pious works or to the expenses of divine worship; and such pious institutions already exist.

[*Latin ed. p. 221*]

The acts of Pope Pius X are impiously distorted and turned to other uses, violating the testaments and wills of the authors. Finally, the Republic – which is the most bitter and grievous thing – does not hesitate to invade the realm of the authority of the Church, and to prescribe matters concerning it, claiming for itself the most important concerns regarding the discipline and the institution of the sacred clergy. We speak of the fact that it compels students of the clergy to devote themselves to the study of doctrine and literature, which precede theology, in public schools, where the integrity of their faith is certainly exposed to very grave dangers, due to a type of institution that is alien to God and the Church; but the Republic also intrudes into the domestic life and discipline of seminaries, arrogating to itself the right to appoint teachers, to approve books, and to regulate the sacred studies of the clergy. Thus, the old teachings of the Royalists are revived for use; which, while they possessed a most grievous arrogance when the concord between the State and the Church stood, now, when the State wishes to be nothing with the Church, do they not appear to be contradictory and full of madness? – And what of the fact that this law, which is said to be designed to corrupt the morals of the clergy and to incite them to defect from their superiors, is enacted? For it assigns certain pensions from the treasury to those who, having been ordered by the authority of the prelates to abstain from the sacred rites, and it adorns priests with special benefits who, miserably forgetful of their duties, have dared to attempt marriage, and, which it is reluctant to mention, it extends these benefits to the surviving partner of the sacrilegious union. Furthermore, it is not enough that the Republic imposes a servile yoke upon the Church of Lusitania, having deprived it of its goods, unless it also strives, as much as possible, to tear it from the bosom of Catholic unity and from the embrace of the Roman Church, and to prevent the religious orders of Lusitania from receiving the authority and providence of the Apostolic See. Therefore, according to this law, even the orders of the Roman Pontiff may not be made public, unless permission has been granted. Likewise, a priest who is at a university, established by pontifical authority, may not...

[*Latin ed. p. 222*]

222 Acta Apostolicae Sedis. - Official Commentary. Even if someone has attained the degree in sacred disciplines, even if they have completed their studies in theology at home, they are not permitted to perform sacred functions. It is clear what the Republic desires: namely, to ensure that young

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clerics who wish to perfect themselves and be refined in the best studies, do not come to this city, the head of the Catholic name, for that reason; where, certainly, it is more likely than anywhere else that both their minds will be conformed to the uncorrupted truth of Christian doctrine, and their hearts to sincere piety and faith towards the Apostolic See. These, setting aside others, which are no less unjust, are the principal articles of this infamous law. Therefore, admonished by Our Apostolic conscience regarding the duty to vigilantly defend the dignity and honor of the Religion in the face of such persistence and audacity of the enemies of God, and to preserve the sacred rights of the Catholic Church, We condemn, reject, and disapprove of the law concerning the separation of the Church from the Republic of Lusitania, which insults God, and repudiates the Catholic profession; which violates the natural and civil law by rescinding the solemn agreements entered into between Lusitania and the Apostolic See; which deprives the Church of the just possession of its property; which oppresses the freedom of the Church and perverts its divine constitution; which finally, unjustly and with contempt, affects the dignity of the Roman Pontificate, the order of Bishops, the clergy, and the people of Lusitania, and indeed all Catholics throughout the world. We hereby condemn, reject, and disapprove of this law, enacted by the authority of the Apostolic See. Furthermore, we express our strong disapproval to all who have been the authors and participants of this law. Moreover, we declare that whatever has been established there against the inviolable rights of the Church is null and void, and shall be considered as such. Indeed, these most difficult times, in which Lusitania is bound, after a publicly declared war against the Religion, cause us great concern and sadness. We lament that, before the eyes of so many, a nation, deeply beloved by Us, has...

[*Latin ed. p. 223*]

The Acts of Pope Pius X mention that we are anxiously awaiting the outcome of certain affairs, which certainly weigh heavily upon him, unless those who are in charge hasten to return to their duties. But your extraordinary virtue, Venerable Brothers, who govern the Church of Portugal, and the zeal of the clergy, which wonderfully corresponds to your virtue, greatly consoles us and gives good hope that things will, with God's help, be better in that land. For you have all, not considering security or convenience, but duty and dignity, recently demonstrated this, when you openly and freely condemned the unjust law of division; when with one voice you declared that you would rather suffer the loss of your own possessions to redeem the freedom of the sacred ministry, than to submit to servitude for a paltry peace; and when, finally, you affirmed that no one, either through cunning or force, could ever undermine your union with the Roman Pontiff. These things, which you have demonstrated before the entire Church, are a clear testament of faith, constancy, and great spirit, and have been of no

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small benefit, both to the good of all, to your own honor, and to the benefit of those working in Portugal.

Therefore, continue, as you have begun, to act with all your strength for the cause of Religion, which is closely connected with the very salvation of the common homeland; but above all, see to it that you, and the Christian people with you, and all maintain and strengthen diligently the utmost agreement and concord with the Holy See of Saint Peter. For this is the intention of the authors of the nefarious law, as we have said: not to separate the Church of Portugal from the Republic (as they would have it appear), which they would plunder and oppress, but to separate it from the Vicar of Jesus Christ. If you strive with all your strength to confront and resist this human scheme and wickedness, then you will have wisely consulted for the good of the Catholic Church of Portugal.

Meanwhile, because of the special charity with which we love you, we will beseech Almighty God that He may favor your diligence and study. And we ask you, other Bishops of the Catholic world, to also provide this necessary assistance to our brothers in Portugal in this time of great need. May the divine gifts be with you all, Venerable Brothers, and with the clergy.

[*Latin ed. p. 224*]

2^4 Acta Apostolicae Sedis. - Official Commentary. And We impart to your people Our Apostolic blessing most earnestly. Given in Rome, at St. Peter's, on the twenty-fourth day of the month of May, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X. APOSTOLIC LETTERS I. CONSTITUTION ESTABLISHING A NEW APOSTOLIC VICARIATE IN THE KOREAN REGION CALLED "TAI-KOU." PIUS PP. X. For the sake of posterity. — That greater fruits may be gathered in the Lord, We willingly divide regions that extend too widely, especially since the number of the faithful, happily increased, seems to require this. Since one Apostolic Vicariate encompasses the entire Korean region, recently brought under the power of the Japanese, and since the Venerable Brother Gustav Mutel, titular Bishop of Milo, Prefect of this same Mission, having been highly commended for his zeal and prudence, has deemed it fitting to erect parts of that vast region in the south into a separate Vicariate under Our authority; We have, with a willing heart, approved of this plan, which, as well as tending to the greater glory of God, also regards the spiritual benefit of the faithful, and supported by the votes of the Most Reverend Fathers, Cardinals, who promote the Christian name. Wherefore, by Our own initiative, with certain knowledge and mature deliberation, and by the fullness of Our Apostolic authority, We separate from the aforementioned Korean Vicariate the civil prefectures commonly called "Kiengsyàng-to" and "Tiyen-la-to," and We erect and establish them as a separate Apostolic Vicariate, to be called the Vicariate of "Tai-kou," with all rights, privileges, and honors, and

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We designate it by the ancient name of the Apostolic Vicariate of "Seoul." Finally, after great labors and even the shedding of blood, by students from the Seminary of Paris for the Missions to foreign lands, who have cultivated these regions since the year 1731, We, with equal authority, establish this new Mission in the southern regions of Korea.

[*Latin ed. p. 225*]

The Acts of Pope Pius X, established for the benefit of the world, entrust to the care of the students of the same Seminary in Paris. We decree these present Letters to be firm, valid, and efficacious, always to exist and to be, and to produce and obtain their full and complete effects, fully assisting those to whom they pertain, or may pertain, in all things and through all things: and thus, in the premises, they ought to be judged and defined by any ordinary and delegated judges, and to be declared void and null if, by anyone, through any authority, knowingly or unknowingly, anything should happen to be attempted contrary to these. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 8th of April, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretary of State.

ON THE ERECTION OF A NEW APOSTOLIC VICARIATE OF NORTHERN SCEN-SI.

PIUS PP. X. For the record of posterity.

— We have learned, with great comfort to Our mind, that in recent years, Missionaries from the Order of the Friars Minor have been diligently and fruitfully exercising their apostolic ministry in the Apostolic Vicariate of Scen-Si, cultivating the northern and mountainous regions of that Mission, striving with commendable zeal for the advancement of the salvation of souls, and that their labors have so pleased Divine Providence that those same, scattered and almost inhospitable places are now flourishing with a frequent number of the Christian faithful. Now, the most prudent Superior of that Mission, the Venerable Brother Gabriel Maurice, of the Order of the Friars Minor, titular Bishop of Lesbitensis, having, above all, considered the excessive distance of the newly converted from the residence of the Bishop, and the great difficulty of the journeys, has presented to this Holy See earnest prayers, to obtain the division of the northern regions of that Vicariate, and the erection of those regions into a separate Vicariate; We have carefully and diligently considered all the circumstances of the matter with the Most Reverend and Most Excellent Cardinals entrusted with the affairs of the Propagation of the Faith. Therefore, in order that, with an increased number of pastors, we may better provide for the care of the

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flock, by Our own initiative and from certain knowledge and mature deliberation, and also with the counsel of Our own Brothers, by Our Apostolic Authority, in the tenor of the present, We decree and ordain the following: We completely separate from the Apostolic Vicariate of Scen-Si.

[*Latin ed. p. 226*]

Acts of the Apostolic See. - Official Commentary. In the northern region, there are two civil prefectures, or "Fu," namely "YuLin-Fu" with four sub-prefectures called "Shien," and one "Chow"; and "Yen-An-Fu" with its ten sub-prefectures; then there are two second-order cities (Chow), namely "Suei-Te-Chow" with its three sub-prefectures (Shien), and "Fu-Chow," also with its three sub-prefectures. This region, as is evident from the geographical chart, We, by Our authority, erect into a separate Apostolic Vicariate, to be entrusted to a proper Bishop. And to this new Apostolic Vicariate, we give the name of "Scen-Si" in the north; the former "Scen-Si" in the north, reduced in territory to the northern region, will be distinguished by the name "Scen-Si" in the center. Finally, We entrust the care of the new Vicariate to the Order of the Friars Minor, to whom, for their merits in propagating the faith in these extensive regions, We grant this. Furthermore, We decree that these present Letters shall always exist and remain valid and effective, and shall fully produce and obtain their intended effects, and shall fully benefit those to whom they pertain, and that in all matters concerning these things, proper judgment shall be rendered, and that they shall be considered null and void if anything should be attempted by anyone, knowingly or unknowingly, that is contrary to them. Notwithstanding Our and the Apostolic Chancery's regulations regarding legal matters, and other Apostolic Constitutions and Ordinances, and other matters that are worthy of special and individual mention and derogation, which might be contrary to these. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the tenth day of April, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. ££j S. of the Secretariat of State. III. THE APOSTOLIC PREFECTURE OF "HO-NAN" IN THE WEST IS ERECTED INTO AN APOSTOLIC VICARIATE. PIUS PP. x. For the sake of future remembrance. — We are greatly pleased by the labors of the priests, so that the Christian name may be spread in remote regions, and We freely adorn their missions with special graces and privileges. Therefore, We have learned that the Apostolic Prefecture of "Ho-Nan" in the West, entrusted to the students of the Aemilian Institute, founded by St. Francis Xavier, for missions to foreign lands, has made great progress in the Lord, since 1906, under the guidance of Guy.

[*Latin ed. p. 227*]

The acts of Pope Pius X, addressed to Most Reverend Mary Conforti, Bishop of Parma, whose zeal and care gave rise to the aforementioned In-

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stitute ten and six years ago, having been received with benevolence, we deem it fitting to elevate this same Mission to a higher degree of dignity. And we do so all the more readily, because we see the hope that ever more abundant fruits will be derived from that region. Wherefore, having carefully and diligently considered all the circumstances with the Most Reverend Fathers and Brothers, Cardinals, Prefects of the Sacred Congregation for the Propagation of the Faith, by our own authority, with certain knowledge and mature deliberation, by the present decree, We erect and establish the Apostolic Prefecture of "Ho-Nan" in the West, within the same boundaries as at present, retaining the same name, into an Apostolic Vicariate, with all and every right, privilege, honor, and dispensation pertaining to such missions. Finally, since the alumni of the aforementioned Emilian Institute have earned exceptional praise for their efforts in promoting and defending the Catholic faith among the Chinese, We also wish and order that this new Vicariate of "Ho-Nan" in the West be entrusted to their care and skill. We decree that these present letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and that they shall fully benefit those to whom they pertain, now and in the future, and that in all matters concerning these things, judgment shall be rendered accordingly, and that anything to the contrary, whether knowingly or unknowingly, shall be considered void and of no effect, notwithstanding any Apostolic Constitutions and Decrees to the contrary. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 9th day of May, 1910, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. £ß S. a Secretis Status. IV. The Superior General of the Society of Jesus and Mary is elected for life as the Supreme Moderator of the Society, by the admirable Mother. POPE PIUS X. For the perpetual memory of this matter. — The pious association, which was founded in the 17th century by Blessed John Eudes and designated by the name "The Heart of Mary," has grown so much with the passage of time that it is now properly established in many dioceses, although, under a changed name, it is now known as either the Third Order of the Sacred Heart or the Third Order of the Eudists.

[*Latin ed. p. 228*]

228 Acta Apostolicae Sedis. - Official Commentary. Everywhere it is heard. The purpose of this Association appears to be worthy of the highest praise; for its members are committed to diligently imitating the virtues of the Most Holy Hearts of Jesus and Mary, to which they dedicate themselves, especially charity, gentleness, and mercy, to diligently care for the glory of God according to their abilities, and to offer constant prayers to the Lord, so that the Church may receive a more abundant supply each day of priests who are zealous in the study of religion. Since these things are so, and since this Association has produced abundant fruits for nearly three hundred years, We have decided to ensure its secure and effective

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future, so that it may not, divided into branches, suffer a separation and lose its former strength. Therefore, by Our Apostolic Authority, through these letters, We hereby appoint, for all time, the Superior General of the Congregation of Jesus and Mary, who is currently in office, as the Supreme Moderator of the Society of the Most Admirable Heart of Mary, which is commonly called the Third Order of the Sacred Heart or the Eudists, and We grant to him all and each of the rights and privileges that belong to this office. Notwithstanding any who may act to the contrary. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the ninth day of May, in the year 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation for the Propagation of the Faith. LETTER I. TO THE REVEREND FATHER ANTONIO MENDES BELLO, PATRIARCH OF OLISSIPON, AND TO THE OTHER ARCHBISHOPS AND BISHOPS OF LUSITANIA, CONCERNING THEIR COMMON LETTER TO THE PEOPLE OF LUSITANIA, FOR THE PURPOSE OF GRATULATION. Venerable Brothers, greetings and the apostolic blessing. — You have sent us letters, which, in the exercise of your pastoral office, you recently addressed to the people in common deliberation. These letters appeared wise to Us and are supremely suited to the circumstances of the times and events. You, guided by the Holy Spirit, have a clear understanding of what hinders and impedes the Church at present, and of what dangers threaten religion; and in the letter, which so excellently commends your zeal, you have undertaken duties that are most religiously to be fulfilled for the Catholics of Lusitania (whose welfare We have long been concerned with).

[*Latin ed. p. 229*]

The acts of Pope Pius X clearly demonstrate that, as you rightly pointed out, the interests of religion and the Church, which are certainly superior to human concerns, must remain entirely separate from the machinations of political factions and the vicissitudes of events; and it is unthinkable that Catholics should abandon their ancestral faith in pursuit of novelties. For, apart from Christ, there is no other name given under heaven in which we must be saved (Acts IV, 12). Furthermore, I abhor the idea that, with such evident natural charm and moral integrity, the Portuguese would spurn the maternal embrace of the Church, which welcomed them, almost newborn, into its bosom, and, having regenerated them in Christ, diligently fostered and increased their well-being, from which so much of the strength of humanity flowed into their nation, and so much of their glory extended even to the distant shores of the East, as domestic history testifies. Indeed, our sentiments are in perfect agreement, as you have eloquently expressed in your letter, following the course of prayer, regarding the principles of obedience to be rendered to those who hold authority, and the rejection of unjust laws. For these are precepts of the Gospel, certainly greater than to

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be ever abolished or weakened by human will; these are the perpetual laws of the Church, whatever form of government may prevail in the state. Nor was it said without due consideration, as you pointed out at the end, that in such a state of affairs, it is all the more necessary for your flock to maintain the closest bonds of unity, and to show true reverence for the authority of the Church's leaders. For one needs the help of the other, and together they work amicably, both to strengthen the Catholic cause and to prepare the multitude of Catholics to engage in the struggle, like a well-ordered army. Moreover, there is no other way for your faithful to overcome the ever-increasing difficulties and to prepare a more favorable time for the Church than through this. These, Venerable Brothers, are the most important points that your letter has highlighted: a letter indeed full of wisdom and foresight, and a clear testament to your charity, both towards religion and towards the common homeland. We are confident that, with the help of divine grace, you will reap a bountiful harvest from your endeavors. In the meantime, we urge you to continue to perform the sacred and weighty duty entrusted to you with the same zeal; and may it not happen that, when the storm breaks, you lose heart. The Lord is faithful, as you well know, and He will not allow you to be tempted beyond what you are able to bear; but He will provide a way of escape with each temptation, that you may be able to endure it (1 Corinthians x, 13). May this truth sink deeply into the hearts of all of you, a truth that we know from experience: although the hostile force that has long prevented the Church from finding peace in almost every part of Europe, resorts to every kind of cruelty, even...

[*Latin ed. p. 230*]

230 Acta Apostolicae Sedis. - Official Commentary. For you, it is certain that many sorrows, both for us and for you, and many calamities for the Portuguese people, can be prevented, if all Catholics there receive the teachings handed down by the clergy with attentive ears; if all clergy, instructed in every good work, listen to your words; if, finally, you, Venerable Brothers, maintaining mutual charity, steadfastly adhere to those who are the pillar and foundation of the Church of Christ. Therefore, be steadfast, and, bound together by the bonds of charity and concord, act courageously. For it is not right to be afraid of the danger of battle, he who rejoices in victory and in triumph. And this, indeed, is the victory that overcomes the world, our faith. We impart to you, Venerable Brothers, and to your clergy and people, in the Lord, our Apostolic Blessing, as a pledge of divine favor and a witness of our benevolence. Given at Rome, near Saint Peter, on the fifteenth day of March, in the year 1911, in the eighth year of Our Pontificate. PIUS. PP. X. II. TO THE MOST REVEREND PRESIDENTS AND DOCTORS OF THE PONTIFICAL BIBLICAL INSTITUTE, CONCERNING THE PROMOTION AND DEVELOPMENT OF STUDIES WITHIN THAT INSTITUTE. Beloved Sons, greetings and the Apostolic Blessing. — It is a

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source of great joy to recall the beginnings and the growth of the Pontifical Biblical Institute. From its very foundation by Our care, and through divine favor, it has grown almost daily, and has made such progress that this work, which began as a humble and restricted undertaking, has become a most renowned center of learning, excellently equipped with all aids to study in the field of biblical studies. Hence, it has also been happily possible, through the care of the Apostolic See, to provide larger and more suitable accommodations for the increasing number of young men from all parts who come to Rome, "to acquire knowledge of the divine words," than were previously available. We also observe with pleasure the number of those who celebrate, and we see the abundant fruits that "all of you, with your talents and the diligence of your students, have produced thus far." We attribute these beginnings and growth, these auspicious prospects, and the present help of God, and we congratulate you from the heart, all of you, Beloved Sons, whose wisdom and learning are evident to us. And We also wish that this, too, be a fruit of Our care: certain new laws and regulations by which the annual presentation of instruction will be.

[*Latin ed. p. 231*]

Acta Pii PP. X. 231, the reason for this examination is far more beneficial. Indeed, it is clear how much importance lies in such solemn examinations to sharpen the zeal of teachers, of students, both in teaching and in learning, and to derive the desired benefits from the best instruction with greater certainty. Therefore, we desire, above all, that the students and auditors of our Institute, all of them, be required each year to undergo a regular examination of their studies. For it is scarcely unknown that it is much easier for the examiners to discover what each student and auditor has gained from the course of studies, and for the students and auditors themselves to know whether they are able to bear the burden of their studies, and whether they require greater incentives in the future. Moreover, that greater benefits may result from such examinations, the regular course of studies in the Institute shall include three examinations of doctrine, even in the final year. The first of these will extend to those topics of doctrine which contain the elements of biblical science and philological instruction, and which will present arguments that will be taught in the first year. The second will deal with those important matters by which, in the second year, the students and auditors may receive a fuller understanding of sacred doctrine: namely, the treatment of disciplines that are in support of more serious studies, and especially the interpretation of a part of some sacred text. Through these, it will be determined whether the students and auditors are those who are able, with the hope of a successful outcome, to complete the course of studies and finally to achieve the desired goal. Finally, in the third year, in the last examination, which will include the interpretation of another part of a sacred text and the matters taught in

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this last year, the students and auditors will be examined in such a way that it will clearly appear that they have sufficiently cultivated their minds in biblical disciplines, and that they are prepared to achieve the goal that we have established for the Apostolic Institute "Vinea electa." Finally, so that for all, and especially for ecclesiastical superiors, an authentic document may be available regarding the course of studies properly completed by the students and auditors in the Institute, and regarding the examinations passed with merit, we also decree that the president of the Institute, with the proper assistance of the doctors teaching in each discipline, shall grant to the students and auditors letters of testimony, to be drawn up in the form of a diploma, the content, or wording, of which shall be approved by Our judgment. May the Apostolic Blessing, a sign of divine grace and of Our benevolence, be with you, beloved sons, and with all those who are under your guidance.

[*Latin ed. p. 232*]

232 Acta Apostolicae Sedis. - Official Commentary. And with your encouragement, they strive for the best studies, and we, in the Lord, constantly offer our support. Given in Rome, at St. Peter's, on the twenty-second of March, 1911, in the eighth year of Our Pontificate. PIUS PP. X. III. TO THE MOST REVEREND JOSEPH TORRAS Y BAGES, BISHOP OF VIC, IN GRATITUDE FOR HIS PASTORAL LETTER "GOD AND CAESAR." Venerable brother, greetings and apostolic blessing. — Among the bitter hardships with which we are daily more and more afflicted because of those things which oppress and harm the Catholic Church among the people of Hispaniae, Your pastoral letter, which you recently addressed to the people, has been a source of comfort to Us. For you, as a bishop, embody what the Apostle describes: "embracing that faithful word which is according to doctrine, that he may be enough to exhort in sound doctrine and to convince the gainsayers." And indeed, you have exhorted the people in sound doctrine and at a most opportune time, urging them to pursue principles and illustrating them excellently, by which the two powers, namely the ecclesiastical and the civil, must mutually adjust their relations; and you have not only excellently refuted those who contradict, but you have also openly exposed the hidden intentions of those who seek to undermine, and you have weakened and undermined the sophisms of false liberalism. Indeed, you have rightly lamented the inconveniences caused to the Catholic name, from the fact that those who govern the public affairs believe that they possess authority without any limits, even in matters that concern religion. This, as you clearly demonstrated in your discourse, is far from the truth, as the passage from the Gospel quoted in it, "They say to him: Caesar's. Then he saith to them: Render therefore to Caesar the things that are Caesar's; and to God, the things that are God's," clearly shows that those who govern the republic are established by divine

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and natural law within certain limits, and that it is unlawful for them, even in matters that involve mixed concerns, to decide on their own authority without the consent and authority of the Supreme Head of the Church. For it is never permissible to disregard the authority of the Roman Pontiff when matters pertaining to the Church of an entire nation are involved; especially when such matters are among the causes that are commonly called major, or when solemn agreements require the same to be ratified and confirmed. For if, without the invitation of the Roman Pontify, your civil government were to presume (which even non-Catholic rulers would not dare) to make a decision on a religious matter, it would thereby depart from the Catholic profession, and would be separated from it.

[*Latin ed. p. 233*]

The Most Holy Congregation of the Holy Office. Having received, with the greatest praise, your letter, and considering the matter concerning the public order, we deem it certain that the Catholic faith is, above all else, that which unites the people of Spain into one nation. However, we do not consider it appropriate to add what you have provided concerning the inclined and facile nature by which the Church approaches honest and just matters. For, although the Church is immutable in matters concerning faith and morals, it has nevertheless not refused to adapt itself to just desires in other matters; and the comments of those who oppose the Church demonstrate that they wish to persuade others that the actions brought before the Apostolic See and the administration of Spain, in recent times, were interrupted because of the firm will of the Pontiff; whereas, on the contrary, it is most true that the counsels of the Pontiff have always been offered with the fullest indulgence and a desire for concord. These matters, which you, Venerable Brother, have so eloquently and thoroughly explained, we consider to be of such great importance at the present time that we wish them to be widely celebrated in Spain. We are confident that, once the most excellent principles which your letter has adorned have permeated the minds of Catholics, they will provide new incentives for salutary vigilance and fruitful labors. With these labors, provided that they are always in obedience to just laws, the use of indulgences will become more intense, as the distinctions that have long been sought after become more pronounced and more beneficial to Catholics. Therefore, it is necessary that all Catholics in Spain, with one heart and one soul, listen attentively to what is said, and that they adhere firmly and constantly to the Apostolic See. May the divine blessings and the witness of Our benevolence be upon you, Venerable Brother, and upon your clergy and people, which We impart to you in the Lord. Given in Rome, at St. Peter's, on the first day of May, in the eighth year of Our Pontificate. PIUS PP. X.

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE (Section for Indulgences). DECREE. Concerning the PORTIUNCULA, which

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is called the "Indulgence," countless prayers have been offered to the Apostolic See, and others are foreseen, so that, on the designated day, the benefits of the Indulgence may be granted.

[*Latin ed. p. 234*]

Acts of the Apostolic See. - Official Commentary. 234. Concerning this matter, the prolongation of concessions is granted, both to obtain new extensions. Therefore, since the Most Holy Sacred Congregation of the Holy Office, to which the duty of regulating Indulgences is entrusted, intends to establish certain and fixed norms regarding this most excellent spiritual benefit, so that, perhaps, while these are being prepared, the faithful may not be defrauded in some place, the Most Eminent and Reverend Cardinals, Inquisitors General, in a plenary session held on the fourth day of this month, by a general Decree, valid until a new disposition, have decided:

1.° That all and each of the concessions previously granted by the Holy See, both for the faithful living in the world and for pious communities, concerning the Indulgence of the Porziuncola, which have already expired or are about to expire, are to be prolonged indefinitely, with the same clauses and conditions as the preceding Indulgence, and with due regard to the time suitable for performing sacred visitations, as determined by the most recent Decree of this same Most Holy Sacred Congregation of January 26th of the current year (Acts of the Apostolic See, Vol. III, p. 64).

2.° That, with regard to new concessions, both for the faithful living in the world and for pious communities, provision is likewise to be made indefinitely by the respective Ordinaries, with the necessary and appropriate faculties, always subject to the clauses and conditions prescribed in the Motu Proprio of June 1st of the past year (Acts of the Apostolic See, Vol. II, p. 443).

3.° Furthermore, the faculty is granted indefinitely to the respective Ordinaries, which was granted to them in the same year by the aforementioned Motu Proprio, to establish, in place of August 2nd, the next following Sunday, for gaining the aforementioned Indulgence, with the clauses and conditions set forth therein.

All of these things the Most Holy Lord Pope Pius, with divine providence, has deigned to approve benignly and to confirm with His supreme authority, in a customary audience granted to the Reverend Father Assessor on the following day.

Contrary to anything to the contrary, even special and individual matters worthy of mention, notwithstanding.

Rome, from the Offices of the Holy Office, on May 26, 1911.

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L. g.* s. Aloysius Giambene, Substitute for Indulgences.

[*Latin ed. p. 235*]

Sacred Congregation of Religious. 235. SACRED CONGREGATION FOR RELIGIOUS. DECREE CONCERNING THE METHOD TO BE OBSERVED IN PROCEEDING WITH THE SENTENCE OF EXPULSION OR DISMISSAL FROM ORDERS AND RELIGIOUS INSTITUTES. Since the individual prescriptions and formalities established by law, especially those of Urban VIII, for proceeding with the sentence of expulsion or dismissal from Orders and Religious Institutes, cannot conveniently be observed, it seemed opportune to this Sacred Congregation to establish other prescriptions, more expeditious and better suited to the circumstances of the present times. Wherefore, the Eminent Cardinals of the same Sacred Congregation, in a Plenary Session held on March 3, 1911, at the Vatican, decreed the following:

1. The competent Court or Tribunal for proceeding with the sentence shall be constituted by the Superior or General Moderator and at least four Definitors or Councillors or Assistants; if any are lacking, the President of the Court or Tribunal shall choose as many Religious in their place, with the consent of the other Councillors. In the Congregations of Monks, the Tribunal shall be constituted by the Abbot General with his Council. If any Abbey is not attached to a Congregation, recourse must be had to the Holy See in each case.

2. In every Court or Tribunal constituted by the General Council, there shall be appointed a Promoter of Justice for the protection of law and justice, who shall be a Religious of the same Order or Congregation.

3. Henceforth, only a Summary Process shall be instituted for expelling or dismissing Religious who have professed solemn vows in Orders, or perpetual vows in Congregations or Institutes, or, if they have taken only temporary vows, are nevertheless established in the Sacred state; except for special privileges enjoyed by any Order or Institute.

4. The process may not be instituted until after a threefold warning and correction have been given and have proven ineffective, except for the exceptions mentioned in numbers 17 and 18.

[*Latin ed. p. 236*]

236. Acta Apostolicae Sedis. - Official Commentary. 5. A legitimate Superior, even a local one, must issue a warning regarding a mandate or license granted by a Provincial or quasi-Provincial Superior; and after the final warning, the threat of expulsion or dismissal should be appropriately added. For expulsion or dismissal to take effect, a warning or correction must have been given for a serious offense. 6. Warnings cannot be repeated unless the offense is repeated, but in cases of continuous or persistent offenses, a period of at least two full days must elapse between one warning

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and the next. After the final warning, a period of six full days must be awaited before further action is taken. 7. The process must clearly demonstrate the irregularity of the religious, as well as the gravity and number of offenses, the fact of the triple warning, and the lack of amendment after the triple warning. 8. To demonstrate the irregularity of the religious, the following evidence must be presented, which should move the mind of a prudent man. This evidence may be derived from the confession of the facts, from the testimony of at least two trustworthy witnesses, confirmed by oath, and supported by other evidence, as well as from authentic documents. 9. The gravity of the offense must be determined not only by the severity of the law violated, but also by the severity of the penalty prescribed by law, by the gravity of the deceit, and by the gravity of the damage, whether moral or material, caused to the community. 10. To the effect mentioned, at least three serious offenses of the same type are required, or, if of different types, offenses such that, when taken together, they demonstrate a stubborn will to persist in evil, or a single persistent offense that, through the triple warning, effectively becomes a triple offense. 11. To prove the fact of the triple warning, a genuine document must be presented. Therefore, it is necessary that: a) this be done either in the presence of two witnesses, or by means of a letter registered with the public authorities, with a clear indication of its receipt or rejection; b) that a document be drawn up detailing the warning given, signed by the aforementioned witnesses and kept in the records or archives; or that a copy be made of the aforementioned letter, signed by two witnesses as a testament to its conformity before dispatch, and also kept in the records or archives. 12. The lack of amendment is demonstrated by a new offense committed after the triple warning, or by the stubborn and obstinate behavior of the offending religious. 13. The Provincial or quasi-Provincial Superior of the offending religious, after the warnings and corrections have proven ineffective, will carefully collect all the acts and documents that demonstrate the irregularity of this religious.

[*Latin ed. p. 237*]

I. The Holy Congregation of Religious [orders] shall transmit the matter to the Superior General, who must forward it to the Procurator of Justice, so that he may examine it and present any accusations he deems necessary.

14. The accusations presented by the Procurator of Justice, and the resulting proceedings, must be notified to the accused, and a reasonable time, to be determined by the Judge, must be granted to him, so that he may present his defenses, either personally or through another Religious of the same Order or Institute; and if the accused himself does not present his own defenses, the Court or Tribunal must, by order, appoint a defender from among the students of the respective Order or Institute.

15. The Court or Tribunal, having carefully considered the allegations,

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whether of the Promoter or of the accused, and if it judges them to be true, may pronounce a sentence of expulsion or dismissal; however, if the condemned party appeals within ten days from the notification of the sentence to the Holy Congregation of Religious, the execution of the sentence cannot be demanded until a judgment has been rendered by the same Holy Congregation.

16. Nevertheless, notwithstanding the appeal, the accused may be immediately dismissed for life by the Superior General or Abbot, with the consent of his Chapter or Council, if his presence poses a danger or a very grave scandal, or if a very serious harm threatens the community and its members. In the meantime, he shall lay aside his habit and remain suspended, if he is vested in the Holy Orders.

17. He who has been guilty of even a single offense, from which a serious public scandal or a very grave detriment to the entire community may arise, may be dismissed for life, even by the Provincial Superior or Abbot, immediately laying aside his religious habit; provided that it is certain of the offense itself and that the Religious to whom it is imputed is truly guilty; and in the meantime, proceedings shall be instituted to pronounce a sentence of expulsion or dismissal. Those who are vested in the Holy Orders shall likewise remain suspended.

18. Furthermore, certain offenses are considered to merit, as if by law, the penalty of expulsion or dismissal. These offenses are: a) public apostasy from the Catholic Faith; b) apostasy from the Order or Institute, unless the Religious returns within three months; c) flight from the monastery, accompanied by a woman; d) and, much more so, a civil marriage, or an attempted or celebrated marriage, even a valid one, or when the vows are not solemn or do not have a solemn effect. In these cases, it is sufficient that the Superior General or Provincial, with his respective Council, issues a declaratory sentence of the fact.

[*Latin ed. p. 238*]

Acts of the Apostolic See. - Official Commentary. 238 19. A sentence of expulsion or dismissal, whatever the manner in which it is pronounced, when concerning a Religious in the Sacred Orders, must immediately be communicated to the Ordinary of origin and the Ordinary of the place where he 'resides, or where he intends to establish his residence. 20. All Religious, constituted in the Sacred Orders, who have been expelled or dismissed, remain perpetually suspended, until they have obtained, from the competent Authority, after amendment of life, a dispensation. Religious or Clerics, not in the Sacred Orders, who have been expelled or dismissed, are prohibited from joining higher Orders without the permission of the Holy See. Furthermore, all who have been expelled or dismissed, even if they have truly reformed themselves, cannot be admitted to their own Order or to another Order or Congregation, without a special permission from the

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Apostolic See. 21. For the expulsion of Nuns, who have professed solemn or simple vows in the Order properly so called, and for the dismissal of Sisters, who have emitted perpetual vows in Religious Institutes, grave external causes are required, together with incorrigibility, by the judgment of the Abbess or Superior, with her Council, respectively, manifested by secret votes, after a previous trial, so that the hope of amendment has vanished, and that irreparable damage to the Monastery or Institute results from the continuous faults of the Nun or Sister. Less grave causes are required for the dismissal of Sisters with simple vows in Religious Orders. Just and grave causes must be proven by the Ordinary of the place, and, if the Monastery is subject to a Regular Order, also by the Regular Superior. Furthermore, the confirmation of the Sacred Congregation is required, so that the expulsion or dismissal, on the part of the Order or Institute, does not have legal effect, before it has been confirmed by the Sacred Congregation. Only in the case of a grave external scandal, with the approval of the local Bishop, may a Nun or Sister be immediately returned to the world, provided that the confirmation of the Holy See is requested without delay. All of the above having been reported to His Most Holy Lord, our Pope Pius X, on the eighth day of March, 1911, His Holiness deigned to approve and confirm this Decree; contrary things notwithstanding. Given in Rome, from the Secretariat of the Sacred Congregation of Religious, on the 16th of May, 1911. Fr. I. CARD. VIVES, Prefect. L.©S. f Donatus, Archbishop. Ephesinus, Secretary.

[*Latin ed. p. 239*]

Sacred Congregation of Religious. 239 IL. – DECREE CONCERNING THE JURISDICTION OF ORDINARYS IN SPAIN OVER RELIGIOUS PERSONS EJECTED FROM MONASTERIES AND IN MONASTERIES OF LAY CANONESSES. Since particular circumstances still persist in the Spanish territory, by reason of which, on December 10, 1858, religious persons ejected from monasteries and monasteries of lay canonesses were, for a certain and determined time, subjected to the jurisdiction of the respective diocesan Ordinarys by decree of the Apostolic See; the Most Holy Pope Pius Decimus, after being informed by the undersigned Cardinal, Prefect of the Sacred Congregation of Religious, on the 16th day of the current month of May, deigned to extend for another three years the aforementioned powers of the Ordinarys, namely: 1st, over those religious persons who were placed outside the monasteries in the year 1835, if any of them still survive; and 2nd, over those monasteries of lay canonesses which are exempt by right; healing all that has been done by these Ordinarys since the last extension of their powers, and all that requires such healing; saving, however, the modifications that the Apostolic See may introduce to this decree within this three-year period, if the circumstances of the case should require it. Nevertheless, the same Holiness desired that, in

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interpreting these same powers, all that was established by the Most Holy Pope Pius Nonus, through the Sacred Congregation of Bishops and Regulars, in a printed letter, dated December 10, 1858, should be strictly observed; and that the Reverend Ordinarys: 1° MOST ILLUSTRIOUS AND REVEREND LORD, AS A BROTHER. Considering the particular circumstances in which the monasteries of lay canonesses, subject to regular superiors, and also the religious men ejected from monasteries, are presently found in the Spanish territory, the Most Holy Pope Pius IX considered it necessary to provide for them with special care from the Apostolic See. Therefore, the Holiness of the Pope, by Apostolic authority, subjects the aforementioned monasteries of lay canonesses, which are under regular superiors, and also the aforementioned religious men living outside the monasteries in the Kingdom of Spain, to the jurisdiction of the pastors or Ordinarys of the places in which these monasteries are respectively located, and where the aforementioned religious men reside, for a period of three years, calculated from the date of the present decree, unless otherwise provided by the Holy See in the meantime; and declares them and those subject to them to be so subject; nevertheless, without preventing the aforementioned religious men from freely seeking refuge with their regular superiors or Superiors, when it concerns matters relating to conscience, which pertain to the observance of vows and to the obligations of religious profession.

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis. - Official Commentary. should especially have before their eyes the special intention of the Holy See, expressed in these words: "It is indeed most fitting that Ordinaries, unless they deem otherwise in the Lord for particular reasons pertaining to the affairs and monasteries, when appointing Vicars, confessors, moderators, or spiritual directors for their monasteries, choose religious of the same order, so that they may be found endowed with knowledge, probity of life, prudence, and other qualities." Therefore, the Most Reverend Ordinaries, without further Apostolic permission, can themselves appoint religious of the respective orders as ordinary confessors, provided that they obtain the prior consent of the respective regular superiors; always observing the law that the religious designated as confessors live in their own convent, unless, in a particular case and for entirely special circumstances, the Most Reverend Ordinary, together with the superiors of the order, have obtained and secured a special indult from the Apostolic See; and always observing the legally required three-year rotation of ordinary confessors and other Apostolic prescriptions. Furthermore, the Most Reverend Ordinaries themselves, if and when they deem it opportune, can enlist the regular superiors to carry out the canonical visitation of the monasteries of their respective orders. However, these visitators must submit their reports. With regard to the

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monasteries of religious, of which we are speaking, His Holiness expressly declares that, by virtue of this pontifical disposition, they are to be entirely subject to the Ordinaries of the places, and governed by them alone, so that the regulars may in no way interfere; it is indeed most fitting that the Ordinaries, unless they deem otherwise in the Lord for particular reasons pertaining to the affairs and monasteries, when appointing Vicars, confessors, moderators, or spiritual directors for their monasteries, choose religious of the same order, so that they may be found endowed with knowledge, probity of life, prudence, and other qualities. Indeed, We communicate this to you by the mandate of His Holiness, so that you may exercise the delegated jurisdiction above, for the prudent governance of your diocese, but with express mention in each act of this special Apostolic delegation; and We also wish to remind you that if any doubt or difficulty arises in the use of these powers, you should submit it to this Holy Congregation, which is responsible for the affairs and consultations of bishops and regular superiors, for resolution. In the meantime, We pray that the Lord grant you all success and prosperity. Rome, from the Holy Congregation of Bishops and Regulars, on December 10, 1858. Your most devoted servant, G. CAED. D E GENGA, Prefect. A. Archbishop of Philippi, Secretary.

[*Latin ed. p. 241*]

Sacred Congregation of Rites. It is decreed that only those individuals possess the faculties which the Ordinary of the diocese has granted to them; and that, notwithstanding this delegation, these faculties remain entirely with the Bishops. This decree, together with a copy of the aforementioned letter "Concerning Particular Circumstances," dated December 10, 1858, shall be made known and communicated to all and each Ordinaries of Spain. Contrary decrees notwithstanding. Given in Rome, from the Secretariat of the Sacred Congregation of Religious Orders, on the fifth day of May, in the year 1911. FR. I. C. CARD. VIVES, Prefect. L. S. f Donatus, Archbishop of Ephesus, Secretary.

Sacred Congregation of Rites.

I. DOUBTS.

CONCERNING THE SOUND OF THE ORGAN TO AID THE GREGORIAN CHANT AND THE FORMULA OF THE APOSTOLIC BENEDICTION TO BE GIVEN AT THE END OF SERMONS.

The following doubts have been proposed to the Sacred Congregation of Rites for resolution:

Since the Pontifical Ceremonial never presupposes that the Gregorian chant should be accompanied by the organ; it is asked:

I. Can the aforementioned practice of using the organ to aid the chant be maintained today?

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II. And, if the answer to question I is affirmative, does it also permit the use of the organ in Offices and Masses, in which the sound of the organ is prohibited, solely for the purpose of accompanying and sustaining the chant, provided that the organ is silent when the chant is silent?

III. In certain Breviaries, it is stated that when priests are granted the power, at the end of sermons, to impart the blessing to the people, with the favor of a plenary Indulgence, this must be done with the Crucifix, according to the prescribed rite and formula; now, it is asked, what are these rites and the formula to be used?

And the Sacred Congregation, with the diligent support of the Liturgical Commission, after careful deliberation, has decided to respond as follows:

To I. Affirmative, except for those parts of the Offices and Masses which, according to the liturgical laws currently in force, must be entirely sung without the accompaniment of the organ.

[*Latin ed. p. 242*]

Acts of the Apostolic See. - Official Commentary. Regarding II. Affirmative in cases of necessity. Regarding III. The single sign of the cross with the Crucifix, using the formula: "May the blessing of Almighty God, the Father, and the Son, and the Holy Spirit descend upon you, and remain with you always." Amen. And thus it was decreed. On May 11, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. j$j S. f Petrus La Fontaine, Bishop of Charyste, Secretary. THE DECREE CONCERNING EDITIONS OF BOOKS RELATING TO THE SACRED LITURGY. On several occasions, the Sacred Congregation of Rites has issued regulations for printers regarding the publication of liturgical books, especially through decrees of August 11, 1905, February 14, 1906, and January 25 of the current year, the latter of which concerns the Vatican edition and its reproductions of books containing Gregorian chant. In order that such regulations may be more fully and completely observed, the same Sacred Congregation, in order to prevent and deter abuses, has carefully considered and deliberated the following, and has decided to establish and decree that they be observed: I. Editions of books relating to the Sacred Liturgy, whether they contain the Rites and Prayers to be performed in the Sacred Functions, or prescribe the Sacred Ceremonies accompanying said Rites and Prayers, or refer to the Decrees of this Sacred Congregation collected in one volume, are either Typica (standard) or conform to the Typica. II. Typica editions may only be produced by the Vatican Polyglot Printing Press, or by other Pontifical printers who have obtained permission from the Sacred Congregation of Rites. III. Each sheet of a typica edition shall be submitted for review to this Sacred Congregation of Rites, which, as the case may be, will seek the opinion of the Liturgical Commission or the Commission for Sacred Music and Chant. IV. Each typica edition shall bear a declaration of approval, stating that the edition is typica, and shall also prescribe to all publishers that future

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editions must conform entirely to the aforementioned typica edition. V. Publishers, upon completion of a typica edition, shall submit two copies to this...

[*Latin ed. p. 243*]

Sacred Congregation of Rites. These [documents] are to be handed over to the Sacred Congregation of Rites, to be preserved with the greatest care and diligence in the archives of the aforementioned Sacred Congregation.

V. Any printer, with the consent and approval of the respective Ordinary, may produce editions conforming to the typical editions, which indeed must correspond most strictly with the aforementioned typical editions.

VII. The Ordinaries of each place, with a diligent and expert reviewer constituted for liturgical matters, shall examine whether the aforementioned editions are entirely in accordance with the typical editions, and shall declare such conformity and grant the *imprimatur*.

VIII. With regard to editions of Masses or Offices proper to a particular Diocese, for which a typical edition does not exist, if they are to be printed within that Diocese, the Ordinaries of each place shall declare conformity with the originals and grant the *imprimatur*. However, with regard to editions proper to other Dioceses, or to Religious Orders or Congregations, the Ordinaries whose jurisdiction the printers are subject to shall grant the *imprimatur*, after the Ordinary of the Diocese, or the Superior of the Order or Congregation, to whom the aforementioned Offices or proper rites belong, shall have sent them a decree, which must also be published, concerning the conformity of these editions with the originals approved by the Sacred Congregation of Rites.

IX. Among the books pertaining to the liturgy, which are to be especially included for the purpose of the present Decree, are the following:

a) The Roman Breviary.

b) The Roman Missal, and excerpts therefrom.

c) The Roman Ritual.

d) The Roman Pontifical.

e) The Roman Martyrology.

f) The Ceremonial of Bishops.

g) The proper rites, both of Offices and of Masses, of a particular Diocese, Order, or Religious Congregation.

h) The Memorial of Rites of Pope Benedict XIII for smaller churches.

i) The Clementine Instruction for the exposition of the Most Holy Sacrament.

j) A collection of decrees of the Sacred Congregation of Rites.

All contrary provisions to the contrary notwithstanding.

May 17, 1911.

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Fr. S. CARD. MARTINELLI, Prefect.

L. ffi S. f Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 244*]

Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA I. VERCELLI. NULLITY OF MARRIAGE (ARDIZZONE-BALBIS). Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on March 20, 1911, the Most Reverend and Learned Auditors Seraphinus Many Ponens, Franciscus Heiner, and Ioannes Prior, in the cause of - Vercelli. Nullity of marriage - having received the appeal of the Reverend Ioannes Arditone, the plaintiff, against the sentence of the Archdiocesan Tribunal of Vercelli, concerning the same Ioannes Arditone, represented by his procurator, the advocate Vincentium Sacconi, and Innocentia Balbis, who appeared and contested in the cause as Defender of the Bond by office, rendered the following final sentence. On April 7, 1894, Ioannes Arditone and Innocentia Balbis contracted marriage in the city of Vercelli; to which marriage Ioannes had been somewhat urged by his father. Not many days after the marriage was celebrated, the woman separated from her husband once and again; but after he had served for one year in military service, the man and woman met again, but only for three or four weeks; after which, a de facto separation was established between the spouses. Finally, after several years, Ioannes, having been instructed by his brother, Eusebius, a priest, regarding the nullity of his marriage, petitioned on July 19, 1907, before the Archdiocesan Tribunal of Vercelli, that his marriage with Innocentia Balbis be declared null and void under the grounds of fear and coercion. However, since this Tribunal, on September 12, 1908, rendered a sentence contrary to his petition, he appealed to the Sacred Roman Rota, in which, according to custom, the following question was agreed upon: "Does the nullity of the marriage exist in this case?" To which question, the Most Reverend and Learned Auditors judged it necessary to respond: Negatively. Regarding the law, the chapters of the Decretals are well known, in which it is decided that a marriage, begun under grave fear, does not subsist; thus it is written in Chapter Cum Locum, 14, De Sponsalibus: "When there is no place for consent, where fear or coercion intervenes, it is necessary that, where the consent of each is required, the matter of coercion be repelled. Marri-

[*Latin ed. p. 245*]

St. Bonaventure, 245: "Marriage, however, is contracted only by mutual consent; and when this is questioned, the person whose will is being investigated must enjoy complete security, lest, through fear, he say that he approves of what he hates, and thus bring about consequences that often result from forced marriages." Similar passages are found in the chapter "Veniens," 15, and in "Consultatione," 28, in the same work. From this,

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the canonical doctrine arose, according to which fear, at least in ecclesiastical law, is a dispelling impediment to marriage, if it is grave, even if only relatively so, unjust, and imposed in order to extort matrimonial consent; which the Doctors understand to include even reverential fear, that is, the fear of incurring the displeasure of him under whose authority we are placed, provided, however, that from the circumstances, such as importunate and insistent prayers, quarrels, vexations, etc., it appears that this fear is truly grave. As for the facts: In the case under consideration, two periods of time must be distinguished, which differ greatly from each other in relation to the fear involved. The first period extends from the first day on which the matter of marriage between John and Innocenza was discussed, up to a certain meeting held in Innocenza's home, around December of the year 1893, at which meeting, in addition to the Balbis family, John and his father were present. The second period runs from the day of this meeting up to the marriage. Concerning this matter, John himself says in his first interrogation: "I was in the city with my father for our interests, and I was with the father of the Balbis, who invited us to come to his house. I, along with my father, accepted without difficulty, and there, in the family, they still discussed whether the marriage should take place before or after a year of volunteer service; I insisted on the volunteer service first, while the Balbis family and my father insisted on the marriage, and their idea easily prevailed. In the meeting at the Balbis home, my father was calm and composed then and afterward, and he had good interactions with his son; and he (the son) took on the demeanor of someone resigned to his fate. This state of affairs lasted for two or three months, that is, until the time of the marriage, but it must be noted that no one approached the son for fear that he would return to his previous objections." Therefore, it is necessary to examine both periods in order. With regard to the first period, it is true that during this time, John's father made his firm will known to his son, that he should marry Innocenza Balbis, and he instilled this will in him through prayers, rebukes, and reprimands; for the parents of Innocenza were wealthy, and they stated that they were prepared to provide a substantial dowry for their daughter, which greatly pleased John's father. It is also possible that John's father, acting with this purpose in mind,

[*Latin ed. p. 246*]

246 Acta Apostolicae Sedis. - Commentarium Officiale. He had been threatening, at times, to speak to his son about marriage with his wife, his brother, or others related to him; and, if we believe one or the other witness, the father had uttered words to his son, that if he resisted, he would be expelled from the house and deprived of his inheritance. Furthermore, it is clear from the testimony of the witnesses that the father was of a harsh and stubborn disposition, especially towards his sons; and, on the other hand, that John, the son, was mild and timid, especially in the presence

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of his father, whose angry countenance he could not bear. But from all of this, there arises no proof of that grave fear which is required in order that no marriage may be declared null; indeed, in this case, we can only speak of a reverential fear; but everyone knows that reverential fear, by itself, is not sufficient to invalidate a marriage, but requires certain accompanying circumstances, as, for example, as has been said above, insistent prayers, quarrels, vexations, threats, etc., which demonstrate that the fear was truly grave, and that the will of the one who experienced the fear was truly coerced. But, in this case, these circumstances are absent, or at least they are not of such a nature as to demonstrate that the reverential fear was grave. It is said that, when the father of John was returning from Vercelli to his estate at Albano Laziale, with his son and some others accompanying him in a carriage, he spoke to his son about the marriage, and that he threw the son, who was repenting, out of the carriage, and forced him to continue the journey on foot. But if we consider the son's answers before the judge in Vercelli, this incident does not seem so serious; for, as he himself says, he was not thrown out of the carriage by his father, but he got out of the carriage himself: "At that time, feeling affection for another girl from Cattinara, as a sign of disapproval, I got out of the carriage and walked the rest of the way." Furthermore, there were no, on the part of the father, so many and persistent prayers or vexations. For John says, after the words mentioned above: "On the evening of the same day, the family gathered for dinner, and the father, not paying attention to what I thought, immediately began to speak with his mother about the advantageous proposal (according to them) of my marriage to Alia Balbis. The conversation continued, with me present, but I did not say a word, and then I withdrew to my room. From that time on, almost every day, especially at the time of lunch and dinner, the parents returned to the same subject; I always remained silent; the father seemed much more concerned than the mother, but he never showed me any harshness. This continued for about fifteen days. When he was convinced that I would not consent to the proposal, he began, on his part, to behave more harshly and resentfully towards me, so that for the smallest mistake I made in my work and in the various tasks of the house, he would become angry."

[*Latin ed. p. 247*]

St. Boman Bota. 247 "With easy reproaches, without stating the true reason; but I understood very well that the true cause lay in my always being negative to the aforementioned proposal," and a little later: "After about fifteen or twenty days, in the discussion of the following month of October, my father spoke to me openly, almost in the following terms: 'You must marry Balbis; we of the two families have already completely agreed, and you must not retract.' I did not consent, citing the reason of military service. But the father did not accept, and he left me." Therefore, from these very

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words that the son asserts, the father said nothing harsh or severe to the son for fifteen days; afterwards, he spoke more harshly, but still did not exceed the reproaches or rebukes by which the son was less moved, because even outside of marriage matters, the father was accustomed to press the son in this way. It is alleged that the father threatened the son, saying that he would expel him from the house and deprive him of his inheritance. What we should think about these threats, we learn from the records. These threats were unknown to most witnesses; only two witnesses report that the father directly threatened the son in their presence; but one witness, Maria Perotti, in order to prove her assertion, refers to a memorial written by the priest Eusebius Ardizzone, brother of John, which, of course, she does not prove (we will soon see what Eusebius himself says about the threats); the other witness, Bernard Ardizzone, nephew of John, reports these threats as follows: "Either you take Balbis, or you leave the house." But contrary to the assertions of these two witnesses, to the extent that they say that the father directly threatened the son, are the testimony of the aforementioned priest Eusebius, and the confession of John himself. Indeed, the priest Eusebius, who is the main witness in this process, and who has thoroughly investigated the matter by questioning the witnesses himself, and by writing the aforementioned memorial, says the following about the threats: "There were serious pressures. I do not, however, have personal proof to say that threats intervened; it was reported to me by others that there were threats. A certain Maria Perotti of Albano, questioned by me in this year 1907, declared that she had heard my father say: 'Woe if my Giovanni does not marry Balbis, I will reject him as a son,' and to the question: 'Did the son find himself with the Perotti hearing the words of the father?' she replied: 'The Perotti told me that she does not remember it'; then she went on to say: 'Dronetti Romilda declared to me that the father pronounced threats both after the marriage, as well as during the course of the negotiations, directed at the son; and the threats would have been to expel him from the house and to deprive him of the inheritance'; and to the question: 'Were these threats personally made by the father to the son?' she replied: 'The Dronetti was not present.

[*Latin ed. p. 248*]

248 Acta Apostolicae Sedis. - Commentarium Officiale. "Rogata a me de hoc," deinde addidit: "Meus patruelis Eusebius Ardizzone et alii mei propinqui, iam ab anno praeterito, mihi "dixerunt quod, cum filius se abstinisset, post repetitas recusationes patris, "hic ei clamabat post tergum: "Va, obstinatus, sed memento quod qui non "obedit patri et matris, malum finem faciet." A matre non fuerunt minae, "sed a patre, sensu iam a me explicato. Sed nescio si hoc fecerit "personaliter ad filium." Unde sacerdos Eusebius Ardizzone, frater Ioannis, "ignorat si pater minas directas intentavit filio. Notandum obiter est "praedictam testimonium Dronetti

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Romildae, quam hic inducit sacerdos "Eusebius, interrogatam fuisse formaliter a Judice Vercellensi, et dixisse "se nihil scire de minis. En, autem, quod spectat ad minas, confessio "ipsius Ioannis: "Deinde mater, quae de fato sciens, me separatim "accipit, et mihi sic loquitur: "Quid vis facere? Matrimonium fieri "debet, quia, ut bene scis, patri non contradicitur, et scis etiam quod, "si perseveras, periculum est ut ex domo et hereditate ejectus sis. Sed "ego perseveravi in negando. Parentes mei non solum consilia et "pressiones adhibuerunt, sed etiam ad minas pervenerunt. Has primum "a matre comprehensam, modo supra indicato; mihi constat quod pater "eas specificavit, scilicet ejectionem ex domo et hereditatem, cum "propinquis meis; immo, ego ipse paene bis audivi patrem loqui "de his rebus cum avunculo meo paterno, nunc defuncto; hoc etiam "mihi confirmatum est a propinquis patris mei ipsius; sed minas "directas a patre ad me numquam audivi." Clarum est, igitur, ex "confessione Ioannis, patrem eius aliquando minas protulisse contra "filium, non vero directas minas filio intentasse. Quod manifestum "signum est patrem, quippe qui tandem aliquando non sibi proposuerit "nisi bonum filii et familiae, aliqualem respectum ad libertatem filii "retinuisse, nec voluisse huius voluntatem praecise cogere. Allegatur "etiam patrem, ut tandem voluntatem filii frangeret, ei dedisse "calamitatem, quod sic refert testis Petrus Ardizzone, consobrinus "Ioannis: "In alia circumstantia, in domo, semper ob eandem questionem, "cum filius patrem contradiceret, pater ei unum ictum dedit, eumque "ab se abstulit, et filius, lacrimans, se abiecit, dum et mater et "soror plorabant." Verum unus hic testis haec refert; de his autem "omnes alii testes silent, etiam sacerdos Eusebius, frater Ioannis, qui "tamen, in sua secunda depositione, diei 25 Ianuarii 1908, asserit "patrem in filium, post matrimonium, manus iniecisse. Ipse Ioannes de "his ictibus silent, qui tamen minas refert, scilicet patris "obiurgationes et minas indirectas. Pater quidem Ioannis, in secunda "sua depositione, de ictibus a se filio impactis loquitur, sed...

[*Latin ed. p. 249*]

In Rome. This is solely based on the testimony of Peter Ardizzone, his nephew; and he states that he does not remember these things, and in his initial deposition, he completely omitted them. Therefore, it must be said that either such things never existed, or that they were presented and occurred in such a way that John did not pay attention to them, and completely neglected and forgot them. Therefore, concerning this first period, it must be concluded that it has not been demonstrated that a serious fear was instilled by the father in the son with regard to marriage, or at least it is very doubtful whether this fear reached the degree of gravity required to invalidate the marriage.

Regarding the second period, which, as already stated, began from the day of the meeting held at the Balbis house in December of the year 1893, until the very marriage, that is, until April 7, 1894, he describes it as follows:

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"At the meeting at the 'Balbis' house, the father was calm and composed then and subsequently, and he had good relations with his son, and he (the son) took on the demeanor of one resigned to his fate. This state of affairs lasted for two or three months, that is, until the time of the marriage, but taking care that no one approached the son for fear that he would return to his former opinions." And to the question: "Did the plaintiff make any opposition, especially to the father, during the time that elapsed, that is, in the two or three months preceding the celebration of the marriage?" he replied: "I made no opposition to the parents." And to another question: "Did the father make and renew requests and pressures to the son immediately before and during the celebration of the marriage, and did the son likewise make opposition?" he replied: "I do not remember anything regarding this; I do remember, however, that on the evening before the civil marriage, I wept in the presence of my mother and my sister, but yielding to their requests, I then went with relatives to Vercelli."

However, the aforementioned description of this period is further explained and completed by the same John in a third interrogation on February 26, 1909; to the question: "What did you mean by these words (after the meeting at the Balbis house, I took on the demeanor of one resigned to his fate)?" he replied: "With the word 'resigned,' referring to the case of the meeting in the Balbis family, I meant this: Knowing that I could not make any further opposition, I adapted myself to the conclusions they were reaching regarding the matter of the marriage." To the question: "Did you remain in this state of mind until the time of the marriage?" he replied: "Affirmatively." To the question: "And during the same period, were there signs of opposition and resistance on the part of the plaintiff? Were there insistences for..."

[*Latin ed. p. 250*]

2ük) From the Apostolic See. - Official Commentary. "Did you ask, 'What part did the father play?'" he replied: "There was no part played by me, nor by the father." To the question: "What meaning did you intend to give to the phrase, 'He did not oppose the parents'?" he replied: "The meaning is simply this: I never expressed anything against the idea of the father." Therefore, according to John himself, a period of peace and tranquility ensued. On one hand, the father no longer attempts or acts against the son; the reproaches, threats, and quarrels ceased; on the other hand, the son no longer resists the father; he no longer complains, nor does he flee from the father, but he outwardly accepts what has been decided. And this peaceful period lasts for approximately three months, leading up to the marriage. What then? We can interpret John's actions in two ways. First, John acts in this way, not because his fear has ceased, but because, having tried everything to avoid the marriage and seeing that further resistance seems utterly futile, he accepts the present situation, and allows

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it to continue, without his internal dispositions against the marriage having changed. And in this way, John himself interprets his actions during this period in a letter he wrote to the judge of Vercelli, after the interrogation of February 26th. Thus, he says: "In n. 6, I replied: Knowing this, I adapted myself to the conclusions, etc., by saying outwardly that I made a virtue of necessity and remained silent, because after having sought every means to thwart the marriage, any further resistance seemed useless, but not because I have in any way ceased internally to reject a marriage, which has always been repugnant to me. In n. 10, I replied: I never expressed anything against the idea of the father, which is true, after the events at the Balbis house, and as for the direct opposition made by the father, I maintain what I said above, that I ceased to make such oppositions, because I saw that any further resistance was useless, without the internal dispositions of absolute opposition to the marriage changing." The second way: John acts in this way because he has finally yielded to the will of the father, even internally; not because any repugnance against the marriage has ceased, but because the advantages that he perceives or expects from this marriage outweigh the repugnance; for he has now received money promised by the bride to free him from a two-year military stipend; an agreement has been reached between the two families regarding a substantial dowry to be provided by the bride; these advantages are of such importance that John finally presents himself as one who is complying with the wishes of his parents. Therefore, which of these two interpretations should we adopt to understand John's actions?

[*Latin ed. p. 251*]

St. Roman Boot. 251. Another manner. For if we carefully examine what John did during that three-month period, we will find not obscure signs of his changed will regarding marriage. Indeed, John himself confesses all of this in his first interrogation, and formally accepted, as already stated, the money promised by the bride for military service; on several occasions, at the urging of his mother, he went to the city of Vercelli to see the bride; which, as he himself says, he did not do willingly, but not under compulsion; he visited both parish priests, namely his own in Albano Laziale, and the parish priest of St. Christopher in Vercelli, who was the bride's parish priest; I say he visited them, and indeed, as he himself says, without any reluctance, in order to arrange all that pertained to the impending marriage; on the day before the marriage, he confessed his sins and received the Holy Eucharist. Moreover, a few days before the marriage, when the Balbi family did not give him the promised money, but only words, and therefore the father, enraged, wanted to withdraw from the marriage, and spoke about these things with his wife, daughter, and son Eusebius, John, to whom these things were certainly not unknown, did nothing to take advantage of this best opportunity to avoid the marriage.

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All of these things undoubtedly show that John freely, albeit not without some reluctance, accepted the marriage. For those who, compelled by grave fear, enter into marriage, do not act in this way; for they do not see the bride, unless they absolutely cannot abstain; they are certainly unwilling to receive any gift of particular importance from the hands of the bride; nor do they show themselves so eager to prepare everything necessary for the wedding. Therefore, it must be said that John finally consented to the marriage, although this consent was more of reason than of love. Nor should it be said that John interpreted his actions during that three-month period differently, as we have seen. For, besides the fact that no one can be both actor and witness in the same cause, this interpretation, so prone to illusions, especially in the midst of a heated dispute, cannot prevail over the aforementioned very serious presumptions arising from John's own words and actions during the aforementioned period. These presumptions are confirmed by the events that occurred after the marriage was contracted. For John, as is customary, began the nuptial journey with his new wife, without quarrels or disagreements; the marriage was consummated, which, on the part of the husband, could not have been the result of violence; the wife, indeed, fled after a few weeks, but John gave her no cause or opportunity for this flight. All of these things suggest that John's mind was not so alien to the marriage with Innocenza. Nor should it be said that John was overwhelmed by sadness on the day before the religious marriage, after the aforementioned civil marriage had been so concluded, as his brother recounts.

[*Latin ed. p. 252*]

Acts of the Apostolic See. - Official Commentary. Thus, the priest Eusebius: "On the eve of the religious marriage, when 'my brother entered my room, and, throwing himself onto the bed, he exclaimed with great distress: What have I done not to burn those papers?' (the documents of the marriage), the mother, at this scene, did not have 'the courage to say a word. While this incident was reported to me by the mother, my sister arrived, who declared that she had heard from her brother, immediately after the civil marriage, these words: If 'I had not taken this step, I would break off all negotiations.' And the sister, in turn: 'Then let us flee!' To which the brother replied: 'But what about Father?' - and thus the incident ended." These events, although they demonstrate some reluctance in John's mind regarding the marriage, nevertheless, since they lasted for a very short time and were not so serious, they do not prove that John only consented to the marriage out of grave fear. Therefore, in summary, with regard to the first period, it is not legally demonstrated that grave fear was instilled by the father in order to induce the marriage, and, granted that this were demonstrated for this period, more, and very important, events are present in the second period, which show that grave fear ceased in John's mind, so

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that he finally consented freely to the marriage, although, as stated above, this consent was of reason, rather than of love. Having considered and diligently pondered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, confirming the sentence of the Archdiocesan Court of Vercelli, we decree, declare, and definitively sentence: "It is not established that there is nullity in the marriage between John Ardizzone and Innocenza Balbis," and thus we answer the proposed question; furthermore, we also order that the same John Ardizzone be held liable for all the expenses of the judgment. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, to order the execution of this our definitive sentence, and to proceed against those who resist, according to the norms of the Holy Canons, especially chapter 3, Session XXV of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. March 20, 1911. Seraphinus Many, Prefect. L. ÇQ S. Francis, Heiner, Judge. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 253*]

A. Roman Session. 253. Edictal Citation from VERSAILLES. NULLITY OF MARRIAGE. — (BRUIÈRE - GUILLERAULT). Since it is established from the acts of the process carried out in the Episcopal Court of Versailles that Vedaste Fernand Guillerault, present in this cause, cannot be found, we hereby cite the aforementioned individual by this edict to appear, either in person or through a duly appointed procurator, at the seat of the Sacred Roman Rota, on July 20th, in the year 1911, at the eleventh hour, to witness the signing of the following question, and to determine the day on which the cause will be presented before the Rota. Question: "Is the sentence of Versailles of January 20th, 1910, to be upheld or overturned?" The local ordinaries and all faithful who have knowledge of the domicile or place of residence of the aforementioned individual are to take care, as far as possible, to inform him of this edictal citation. Rome, on May 10th, 1911. Fridericus Cattani, Ponens. Sac. Tancredes Tani, Notary of the Sacred Roman Rota. L. S.

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On May 16, 1911, before His Eminence and Most Reverend Lord Cardinal Domenico Ferrata, Promoter of the Cause, the Preparatory Congregation concerning the heroic degree of virtues of the Venerable Servant of God, John Henry Newman, of the Congregation of the Redemptorists, Bishop of Philadelphia, was held. ORDINARY CONGREGATION. On May 30th, in the Apostolic Palace of the Vatican,

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the Ordinary Congregation of the Sacred Rites was held, in which the Most Eminent and Most Reverend Lords Cardinals belonging to the same gave their vote on the following Causes: I. Introduction of the Cause for Beatification and Canonization of the Servant of God, Domenico of the Mother of God, Professed Priest of the Congregation of the Passionists. II. Confirmation of the Cult practiced for a long time by the Servant of God, James Capocci, of the Order of the Hermits of Saint Augustine, Archbishop of Naples. III. Resummption of the Cause for Canonization of the Blessed John Eudes, Apostolic Missionary and Founder of the Congregation of Jesus and Mary and of the Order of the Blessed Virgin of Charity. IV. Revision of the writings in the Cause for Beatification or Declaration of Martyrdom of the Servants of God, James Sales, Priest, and William Saltamochio, Temporary Coadjutor, of the Society of Jesus. V. Revision of the writings in the Cause for Beatification and Canonization of the Servant of God, Magino Català, Professed Priest of the Order of the Friars Minor. SECRETARY OF STATE. NOTICE FOR CATHOLICS OF THE BRITISH EMPIRE. On the occasion of the upcoming festivities for the solemn Coronation of His Majesty George V, King of England, His Holiness, *motu proprio*, has deigned to dispense all Catholics of the British Empire from the law of abstinence on June 23rd. APPOINTMENT. The Holy Father, with a note from the Secretary of State, has deigned to appoint: May 17, 1911. — His Eminence appointed the Most Reverend Cardinal Benedetto Lorenzelli, Protector of the Pontifical Theological Academy.

[*Latin ed. p. 255*]

Diarium Romanae Curiae. 255, May 28, 1911. — The Reverend Father Filippo Maroto, of the Congregation of the Sons of the Immaculate Heart of Mary, and Father Anthony Velardi, of the Congregation of the Missionaries of the Precious Blood, were appointed Consultors to the Sacred Congregation of the Council. By letter and by Brief from the Secretariat of State, His Holiness deigned to appoint: Apostolic Protonotaries, as if participating: December 20, 1910. — The Reverend Canon Saverio d'Haranguier, Dean of the Cathedral Chapter and Vicargeneral of the Archdiocese of Bourges. May 3, 1911. — Monsignor Vincenzo Pezzullo, of the diocese of Aversa. Domestic Prelates of His Holiness: April 25, 1911. — The Reverend John Baptist Tirelli, Honorary Canon of the Metropolitan Church of Udine. April 29. — The Reverend Thomas George, Vice-Rector of the Beda College in Rome. May 2, 1911. — The Reverend Bernard Funke, Professor of Philosophy in the Theological Faculty and Rector of the Leonine College of Paderborn. May 3. — The Reverend William Woker, Canon of the Cathedral of Paderborn. May 13. — The Reverend William Hogan, Vicargeneral of the County of Kent in the diocese of Southwark. HONORS His Holiness, by letter and by Brief from the Secretariat of State, deigned to bestow the

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following honors: The Grand Cross of the Order of Saint Gregory the Great: May 10, 1911. — To Professor Doctor Commercial Ludovico de Pastor, Director of the Austrian Institute of Historical Studies in Rome. The Commander of the Order of Saint Gregory the Great, civil class: April 29, 1911. — To Mr. Alfonso Siffer, of the diocese of Ghent, a member of the diocesan commission for Catholic schools and treasurer of the Flemish Catholic Libraries Association. May 9. — To Mr. Bernard Groo ve, of the diocese of Cologne. May 10. — To Mr. Knight Gerard de Bruyn, of the Archdiocese of Malines. May 12. — To Mr. Count John Ollivier Beauregard, of Paris, Chamberlain of the Sword and Cape, in commendam, of His Holiness. May 15. — To Mr. Nicola Krzysztofowicz, Leopoli. May 18. — To Mr. Knight Peter Masucco, of the Archdiocese of Genoa. The Commander of the Order of Saint Gregory the Great, military class: May 9, 1911. — To Mr. Frederick Koeh-Breuberg, Major in retirement, of the diocese of Paderborn.

[*Latin ed. p. 256*]

256 Acta Apostolicae Sedis. - Official Commentary on the Order of St. Sylvester the Pope; April 22, 1911. – To Mr. Nicolò Giovanni Summa, Vice-Consul of His Britannic Majesty in Skopje. April 24. – To Mr. Marian de Heimroth-Hessfeld, Austro-Hungarian Consul General in Uskûb. The Knighthood of the Order of St. Gregory the Great, civil class: December 16, 1910. – To Mr. Enrico Magnard du Vernay, of the Archdiocese of Bourges; – To Mr. Luigi Gigounoux de Verdón, lawyer, of Bourges. May 8, 1911. – To Mr. Pietro de Bricourl, of Paris; – To Mr. Pietro Gerlier, of Paris. May 10. – To Mr. Giovanni Schuster, Director of the Austrian hospital in Constantinople. The Knighthood of the Order of St. Sylvester the Pope: May 6, 1911. – To Mr. Luigi Galtier, lawyer, Honorary President of the Catholic Association "La Jeunesse Française," of the Archdiocese of Bordeaux; – To Mr. Luigi Arnaud, Mayor of La-Génétouze and Prefect of the Diocesan Union of the Vandea. May 16. – To Mr. Luigi Dubois, Regional President of the Catholic Association "La Jeunesse Française," of the Diocese of Rennes.

HIS HOLINESS'S HOUSEHOLD APPOINTMENTS

His Holiness, with a letter from His Eminence, the Most Reverend Major Domo, has deigned to appoint:

Extraordinary Secret Chamberlains: May 5, 1911. – Mons. Francesco Angelino, of the Diocese of Casale; – Mons. Roberto H. Benson, of the Archdiocese of Westminster. May 15. – Mons. Andrea Alberti, of the Diocese of Bergamo. May 18. – Mons. Massimo Massimi, of Rome.

Extraordinary Secret Chamberlain with sword and mantle: May 18, 1911. – The Right Honorable Count Leopoldo Enrico M. Ghislain van den Steen de Jehay.

Honorary Chamberlain in peacock blue: May 15, 1911. – Mons.

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Domenico Moauro, of the Diocese of Trivento.

Extraordinary Honorary Chamberlain with sword and mantle: May 18, 1911. – Mr. Beniamino Cimini, of the Archdiocese of Amalfi.

NECROLOGY

May 23, 1911. – Mons. Pietro Dadolle, Bishop of Digione.

May 31. – Mons. Enrico Pelgé, Bishop of Poitiers.

[*Latin ed. p. 257*]

Year III. - Volume III. June 26, 1911. No. 8. *ACTA APOSTOLICA* OFFICIAL COMMENTARY. PAPAL ACTS OF POPE PIUS X. APOSTOLIC LETTER CONCERNING THE FEAST OF SAINT OTHMAR, ABBOT, IN THE PARISH OF SAINT GALLEN, TO BE CELEBRATED ONLY IN THE CHURCH. PIUS PP. X. For the sake of future remembrance. — The Bishop of Saint Gallen reports to Us that in his diocese, the feast of the principal patron, namely Saint Gallen, is duly celebrated both in the church and in the public square; however, the feast of the other patron, namely Saint Othmar, Abbot, is observed only within the boundaries of the parish of Saint Gallen, as a feast of precept, but its proper observance presents increasing difficulties from day to day. The aforementioned Bishop states that the parish of Saint Gallen, which uses the cathedral temple as its parish church, consists of twenty-five thousand Catholics, but that non-Catholics far surpass them in number, wealth, and civil power. Many Catholics also come to the parish from neighboring regions for business, and are ignorant of the territorial law of precept. Others, residing in nearby parishes where the same feast is not obligatory, come to the parish to undertake work, and on that very day do not abstain from servile labor. Almost all the owners of workshops either allow or compel their workers to perform labor. The Bishop adds that the feast of Saint Othmar, as tradition has it, was celebrated in the monastery of Saint Gallen, which was observed one hundred years ago; later, it was introduced by the parish priest of Saint Gallen for the people, and thus the feast has remained within the parish of Saint Gallen itself, which is not celebrated in other parishes. Finally, by law, the feast of the other patron is not considered obligatory. For these reasons, the Bishop... *ACTA*, Volume III, No. 8. — June 28, 1911.

[*Latin ed. p. 258*]

Acts of the Apostolic See. Official Commentary 258, concerning the aforementioned supplication, We approach you, so that, seeking forgiveness for sins, you may grant that, through Our authority, the feast of Saint Othmar be celebrated only in the choir, not only in the parish of Saint Gall, but also in other parishes. We, however, having carefully considered the gravity of the reasons presented, deem it fitting to benignly assent to these requests, and therefore, by Our Apostolic authority, by these presents We grant that, in the future, within the

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boundaries of the parish of Saint Gall, the feast of Saint Othmar, Abbot, may be duly celebrated each year only in the choir, and that the faithful are likewise obligated by precept to attend this sacred day and to abstain from servile works. Furthermore, We desire that the pastors of the diocese take care to promote the veneration and cult of Saint Othmar in other appropriate ways. We decree that these present letters shall always exist and be valid and effective, and shall have their full and complete effect, and that, accordingly, matters concerning these things should be judged and decided by any ordinary or delegated judge, and that they shall be considered null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding Our regulations and those of the Apostolic Chancery concerning legal matters, and all other Constitutions and Apostolic Ordinances, and any other contrary things whatsoever. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the twenty-fourth day of February, 1911, in the eighth year of Our pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State.

CONCERNING THE INVOCATION "JESÙ MIO, SACRAMENTO, INDULGENTIA MISERICORDIA," OR ANOTHER SIMILAR ONE: A LARGER INDULGENCE IS GRANTED TO THOSE WHO RECITE IT.

PIUS PP. X. For the perpetual memory of the matter.

Nothing is more pleasing and welcome to Us, who have received the supreme office of the Apostolate, than to promote among the Christian people the pious and fruitful custom of offering repeated and heartfelt prayers to the Giver of all good things, God, in order to supplicate His protection in the present time. Guided by this intention, Our Predecessor, Pope Pius IX, of blessed memory, on the twenty-fourth day of the month of September, in the year 1846, granted to the faithful accustomed to the invocation "Gesù mio, misericordia," to gain it as often as...

[*Latin ed. p. 259*]

259 The Acts of Pope Pius X had granted one hundred days of indulgence for that very invocation; and We Ourselves, having issued, under the Fisherman's seal, a document on the sixth day of July in the year 1909, to the faithful, another invocation, "O Jesus in the Most Holy Sacrament, have mercy on us," We have benignly granted, in the Lord, a similar remission of one hundred days. Now, however, as calamities increase day by day against the Church, it seems opportune to urge the faithful to implore heavenly aid with united prayers, and to stir up their mind and soul to God through repeated pious invocations, and above all, to venerate the Sacrament of divine love. Desiring greatly that the faithful may be drawn more and more to perform these works of piety, We deem it fitting to amplify, by Our Apostolic Authority, the partial indulgences attached to these invocations, as previously announced. Therefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We hereby de-

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clare, by this document, that to all and each of the faithful, of both sexes, wherever they may be on earth, and in whatever language, provided the translation is faithful, who, with at least a contrite heart, devoutly recite either the prayer "Gesù mio, misericordia" in Italian, or another prayer, "O Jesus in the Most Holy Sacrament, have mercy on us," whenever they do so, We remit three hundred days from the number of their penal days, in the manner customary in the Church. Furthermore, We grant to these faithful, if they so wish, the permission to satisfy, by these partial indulgences, the defects and penalties of their life. We decree that the tenor of the previous Apostolic concessions, which We have enumerated, shall be amplified in such a way as We amplify them by these presents, by Our Authority. These present decrees are valid for all times, past, present, and future. Finally, We command that to these present letters, or copies thereof, even printed ones, signed by the hand of a public Notary and sealed with the seal of a person holding ecclesiastical office, the very same faith be given as would be given to these presents if they were exhibited or shown. Given at Rome, near St. Peter, under the Fisherman's seal, on the twentieth day of May, 1911, in the eighth year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 260*]

Acts of the Apostolic See. - Official Commentary. 260 III. In Rome, within the Basilica of the Twelve Apostles, a Society of Children of the Most Holy Sacrament is established and raised to the rank of a Primary [Institution]. PIUS PP. X. For the perpetual memory of this event. — We have learned from the earnest recommendation of Our beloved son, Peter, Cardinal Respighi, Prefect of the Spiritual Affairs of this esteemed City, that a pious Society of Children, called the Society of the Most Holy Sacrament, was canonically established in the urban Basilica of the Twelve Apostles, as early as the fifteenth day of July in the year 1902, by the aforementioned Prefect. We also know that this Society was established with a fruitful purpose, namely, to draw childhood to Him who loved innocent children and commanded His disciples to allow the little ones to come to Him. We have also received the welcome news that the aforementioned Society is experiencing increasing growth in several parishes of the city; that it has happily spread to several dioceses of Italy, and that other nations are diligently seeking to establish this institution. Therefore, since Our beloved son, the Cardinal Prefect of the City, has earnestly implored us to raise the aforementioned Society to the rank of a Primary [Institution] for the entire world, and since We are always favorably disposed to such pious endeavors, and We have prayed for all good, fortunate, and blessed things for this fruitful Society, We, with Our supreme authority, issue and decree the following, after due deliberation: We, by Our Apostolic authority, hereby establish and raise the Society of Children of the Most

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Holy Sacrament, canonically established in Rome, within the Basilica of the Twelve Apostles, to the rank of a Primary [Institution], with all the privileges that belong to Archsodalies by right. We also grant to the Moderator and Officials of the same Primary Society, both present and future, that they may, while observing the form of the Constitution of Pope Clement VIII, Our Predecessor of blessed memory, and other Apostolic ordinances issued above, rightfully incorporate and communicate with them, perpetually, all and each of the indulgences and spiritual graces granted to the aforementioned Primary Society by the Apostolic See, which are communicable to others. We decree that these present Letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and that those to whom they pertain, now or in the future, shall fully support them, thus...

[*Latin ed. p. 261*]

261 The acts of the Most Holy Father are to be judged and determined by any ordinary or delegated judges, and are to be considered null and void, if, by anyone, with any authority, knowingly or unknowingly, anything should happen contrary to these matters. Notwithstanding the Apostolic Constitutions and Ordinances, and all other special and individual provisions worthy of mention and derogation, to the contrary. Finally, we wish that to these present letters, or copies thereof, even printed, signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity, the very same faith be given, as would be given to the present documents themselves, if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the first day of June, 1831, in the eighth year of Our Pontificate. R. CARD. L. Eg S. Merry del Val, Secretary of State.

LETTERS.

TO THE MOST REVEREND AND ILLUSTRIOUS CARDINAL S. SEBASTIANI, ARCHBISHOP OF ROME, AND TO THE BISHOPS, CLERGY, AND PEOPLE OF BRASILIA, AFTER THE RIVER BRASILIA, IN THE ORDINARIATE OF BRAZIL, FAITHFUL OF THE EASTERN RITES, INCREASED BY ARCOVERDE, JANUARY, AND OTHER ARCHDIOCESES; CONCERNING THE INCREASES IN THE HIERARCHY, AND REGARDING THE PRECAUTIONS BY WHICH PASTORS OF SOULS MAY BETTER SERVE IN THE SACRED MINISTRY.

Beloved sons and venerable brothers, greetings and the apostolic blessing.

Since the Catholic hierarchy in Brazil has recently received a considerable increase, it is fitting, above all, to give thanks to the Author and Promoter of the Church, God, who has granted prosperous success to the plans and endeavors of the Apostolic See, undertaken for the salvation of this Christian people. Then, it is right to offer you and your citizens deserved

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and singular praise. A great work was being carried out, of both great opportunity and difficulty: which certainly could not have been brought to fruition, unless the outstanding zeal and constancy of the sacred prelates, and the remarkable generosity of the people in contributing to the common good, and the friendly spirit of those who govern the republic, had been present. Therefore, we congratulate the entire order of you, Venerable Brothers, and all of Catholic Brazil, most heartily:

[*Latin ed. p. 262*]

Acta Apostolicae Sedis. - Official Commentary. Furthermore, we greatly desire – and this is certainly desirable for all those who cherish the Brazilian name, with its vigorous youth and flourishing glory – that progress be made in this very area, as the explored utility of the Republic itself requires. For, by increasing the ranks of the Hierarchy and augmenting the number of those who administer the sacraments, it is certainly achieved that greater resources, as are necessary, are available to men, spread out as they are in such vast regions, to conform minds and morals to religion: but in this way, the salvation of the "State" itself is promoted. For to revere those who govern, to maintain civil discipline, to strive for peace and tranquility, these and such things are duties that a Catholic man must religiously observe. Therefore, when such citizens, Catholic by profession and way of life, are more numerous, there will be nothing to fear from them for the Republic, but rather the best support for its security and stability should be expected. And these, whose beneficial fruits from the growth of the Hierarchy naturally arise, are already apparent. For, as we have learned from a reliable source, the Most Reverend Brother who recently admirably fulfilled the office of Apostolic Nuncio in Brazil, confirmed these days before us that the study of the Christian faith and life has wonderfully increased among your peoples. – Now, in order that you may more effectively direct your pastoral efforts in this vast field, we have, for the sake of the Apostolic ministry, something to strongly urge upon you and your Clergy of both orders. Above all, since some of these dioceses still extend widely, almost like kingdoms, so that, unless they are divided, they can scarcely be administered, you should maturely consider dividing them with an equitable and prudent judgment. – Meanwhile, however, you must strive with all your might to ensure that the number of priests corresponds to the multitude of inhabitants, of whom, indeed, there is a great shortage today; and that these priests are prepared with the instruction of doctrine and the adornment of virtues, and are worthy of the most sacred ministry. Therefore, you must diligently devote yourselves to the major and minor seminaries, as they are called, from which alone a sufficient number of priests of this kind can be hoped for; that those that exist are properly ordered and governed, and that, where they are lacking, they are established and founded. – Nor should you only consider the indigenous people, although reason

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demands that they should be the primary object of your care, but much effort and study must also be devoted to the salvation of immigrants. It is known that those who emigrate from various regions of Europe to America, whether seeking temporary lodging or permanent and stable settlements, often come in large numbers each year to the shores of your Brazil. But it is not sufficiently noted, and this is greatly to be lamented, that many of them, if they acquire some fortune gradually, squander the goods of the soul, which are far more precious.

[*Latin ed. p. 263*]

The Acts of Pope Pius X, page 263, mention that it is customary to provide assistance. For, almost deprived of the help of priests, due to ignorance of the places and the language, and abandoned to themselves, they gradually lose the practice of the sacraments, so that they live a life completely devoid of religion, or even, seduced by the deceptions of enemies of the Catholic Faith, they are converted to perverse doctrines. Truly, this great need of so many people, if it cannot be fully and completely remedied at present, must nevertheless be assisted as much as possible, according to our ability; and therefore, we desire that, especially for those who are embarking on life abroad, some priests who speak the same language should be available to provide appropriate assistance in the most frequented places. As for the ministry of the word, we know and gladly acknowledge, Venerable Brothers, that many of your clergy are of remarkable zeal in fostering the Faith and piety of the people. Nevertheless, we cannot but earnestly urge all of you, but especially the pastors of parishes, to never interrupt the holy and solemn instruction, either on Christian doctrine or on the explanation of the Gospel. It would be most beneficial to the people if this practice were introduced among you, which is already being very usefully implemented in other dioceses, namely, that each priest, from both the secular and regular clergy, should have a short talk on divine matters during the sacred service on each festive day. This method seems very convenient, given the scarcity of priests, for instructing the Christian people in their duties; and we greatly desire that all priests present here should adopt it. We have learned with great pleasure that efforts are being made here to disseminate writings that are honest and beneficial to the public. Indeed, in this age, so afflicted by evils, [the greatest flaw is that unrestrained and almost infinite license is granted to the wicked to publish newspapers, commentaries, and books] which undermine public respect for religion and morality, which are the very foundations of civil society; especially those that corrupt the youth, in whom the greatest hopes of the Church and the nation are placed. We are therefore confident that, with your leadership, all good people will abstain from reading such writings and will forbid them to their own; at the same time, they will use their resources and efforts to widely disseminate

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other writings, either daily or on certain days, in which Christian wisdom and virtue are preserved, and in which due consideration is also given to usefulness. Furthermore, it is not hidden from your prudence how much benefit there is to the common good in those associations which, for the sake of piety, benevolence, and mutual benefit, flourish throughout the Catholic world.

[*Latin ed. p. 264*]

Acta Apostolicae Sedis. - Official Commentary. It would be pleasing to us if we were to see your dioceses adorned with such institutions as well: and we urge you, by your authority, to bring this about; above all, that there should exist within them those Catholic bodies which are commonly established for the protection of social matters. For this kind of institution is particularly suited to our times, in which, united together, the defense of their own rights is combined with the preservation of the Faith and of morals. Finally, let us urge you to devote, as is fitting, a certain portion of your attention to the discipline and education of children. Indeed, constant vigilance is necessary both for the children of the wealthy and for those of the poor, and it must be carefully ensured that, with religion as their teacher, they are instructed in the truth and formed in the integrity of life. This is of great importance for the Christian commonwealth and for the common salvation: for the times that are to come will be such as this present age is now depicted as being, weak and fragile. All these things, Venerable Brothers, which we have considered it our duty to propose to you, you should diligently consider in your episcopal assemblies, which, according to the prescriptions of the Plenary Council of Latin America, you are to hold, for the sake of the divine glory and the welfare of souls, and carefully consider how you may best implement them.

[Meanwhile, as a pledge of the divine favor and benevolence which we bear you, our beloved Son and Venerable Brothers, and to your clergy and people, we impart, with great affection, the apostolic blessing. Given at Rome, near St. Peter's, on the sixth day of the month of June, in the eighth year of Our Pontificate. PIUS PP. X. II. To the Most Reverend and Most Reverend Archbishops and Bishops of Bavaria, for deliberation on grave matters concerning the Christian education of children in schools, and especially regarding the establishment of institutions. Venerable Brothers, greetings and the apostolic blessing. - The very diligence which, after scarcely a few months have elapsed since the last assembly, has brought you together again, clearly demonstrates that you hold these episcopal assemblies in high regard. And rightly so, and deservedly so. Assemblies of this kind, if properly conducted, are of no small benefit.]

[*Latin ed. p. 265*]

The Acts of Pope Pius X, 265, can contribute to the encouragement of

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salutary studies, to the preparation of suitable and timely remedies against the growing impiety, and to the fostering of the harmony of minds and actions which the present age so greatly requires. We have gladly received and commend the great care you have shown in establishing schools for the Christian instruction of children, and we congratulate you, Venerable Brothers, on the undertaking, which, if, as we trust, you persevere with steadfast zeal, will bring considerable benefits to your parishes. Indeed, these benefits will certainly grow and become more abundant if the same children, as they advance in age, do not lack the support of the charity and providence of the clergy. For with the passage of time and the experience of life, they grow in dangers, both from youthful desires and from the example of the wicked. These dangers must be averted early and prudently, lest the fruit of many years of diligent study be suddenly spoiled and lost. It is, indeed, with great pleasure that We have received the expression of your piety, with which you wished to commend this very assembly to Us. It is certainly something to be commended in you that, at the very beginning of your meeting, you so readily offered your sentiments to Us, and with such promptness and generosity, as the days become more sorrowful for Us. We are very pleased with your studies, and in return for your efforts, We impart the Apostolic Blessing, the heavenly favor of good things, to you all, Venerable Brothers, and to each of your clergy and people. Given in Rome, at St. Peter's, on the 30th day of April, 1911, in the eighth year of Our Pontificate. PIUS PP. X.

To the Moderator of the Congregation of Presbyters called "Maria Tin," founded sixty years ago by the Holy Sodality.

Beloved son, greetings and the Apostolic Blessing.

We have gladly learned that your students are engaged in the moderation and development of the Sodality, which bears the name of Our Lady, and we commend you with all our heart for the zeal with which you pursue this undertaking, as well as for the charity with which you strive for eternal salvation.

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis. - Official Commentary. You strive to labor for the salvation of souls. We wish to acknowledge and testify to the merits of both, and to declare that these are signs of Our paternal benevolence, and at the same time, an encouragement to continue the work to which you have long been dedicated. Furthermore, there are two things that suggest that the praised Sodality, which, as a bulwark for the eternal salvation of souls, invokes the protection of the Sorrowful Mother of God, will be most useful to everyone: namely, the piety and most abundant mercy of the Mother, and the memory of the Lord's Passion, awakened within her. One, in every life, and especially in the final spiritual struggle, opens to us the sweetest protection of the Mother of all, and the other brings forth the most

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abundant generosity of divine grace. For Mary was present and witnessed the divine sacrifice by which we are redeemed, and she was so intimately involved that she both bore the most sacred Victim and ascended to heaven, Queen of Martyrs. Therefore, there are no better invitations for Mary to receive the prayers of the faithful; there are no more fitting arguments with the Son to obtain forgiveness for us. Moreover, the praised Sodality, which We, with provident wisdom, instituted and foster, is commended by the thought of death, and as you well know, no one has ever contemplated this, with the help of divine grace, without finding that their concern for present things has diminished, and their concern for future things has increased. Therefore, continue, beloved sons, to pursue the undertaking you have embraced, and devote all your care to the aforementioned Sodality, so that it may increase day by day, and that everywhere the number of members and the practice of Christian virtues may flourish. May the Apostolic Blessing, which We impart to you, beloved son, and to the entire religious family over which you so excellently preside, be a foretaste of divine gifts. Given in Rome, at St. Peter's, on the 30th day of April, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 267*]

From the Acts of Pope Pius X, 267, IV, addressed to the Most Reverend James Gibbons, Archbishop of Baltimore, celebrating the fiftieth anniversary of his priesthood and the twenty-fifth year since he received the sacred purple.

Beloved Son, greetings and the apostolic blessing.

We gladly acknowledge that all pastors and the entire clergy of the United States of America, and indeed many of the most distinguished men of every condition, are about to solemnly celebrate two great events: the fiftieth anniversary of the beginning of your priesthood, and the twenty-fifth year since you were raised among the Princes of the Purple. This universal joy that accompanies both of your celebrations clearly demonstrates to Us how highly esteemed you are everywhere, and how all revere you, not only for your exalted dignity, but also for the most excellent qualities of mind and character, which we know to be singular in you, to the glory of the Most High and for the good of souls.

Who can deny that the esteem and praise of pastors redound not only to the honor and splendor of their own Church, but also to the universal dignity and ornament of the Church of Christ? Therefore, no one more than We, the Supreme Pastor of the Catholic Religion, have just cause to rejoice in these celebrations of yours, which also provide us with an excellent opportunity to express our singular affection for you.

Therefore, be of good cheer, as we congratulate you with all our heart and offer prayers to God that He may reward the merits of your piety, and that He may preserve you for a long time to come, with His abundant

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help, protecting you and those whom your pastoral care embraces, and that He may increasingly inspire in them obedience and love for you. May the apostolic blessing, a special sign of our affection for you and an eternal pledge of good things, be with you, with the clergy and the entire people entrusted to your care, and with all who will participate in these happy events.

Given at Rome, near St. Peter's, on the 7th day of May, in the year 1911, in the eighth year of Our pontificate.

PIUS PP. X.

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis. - Official Commentary. To the Most Reverend Archbishops and Bishops of GALLIAE, on the occasion of the second gathering for promoting diocesan missions. Venerable Brothers, greetings and the apostolic blessing. As you prepare to celebrate the second gathering for promoting diocesan missions, may you not lack the encouragement of Our paternal charity, by which, as we trust, your efforts will be more keenly aroused in those endeavors that are most conducive to the increase of divine glory and the salvation of souls. And indeed, Venerable Brothers, you rightly perceive how powerfully such sacred expeditions can contribute to the promotion and preservation of Christian life among the people, in which chosen men from the clergy address the people, not with the learned words of human wisdom, but with simple prayer or language adapted to the common people, to open up the eternal truths and precepts of the Gospel. This, which contains the essence of Christian doctrine, once implanted in the minds of those who are willing to listen, immediately becomes in them a source of living water for eternal life. Therefore, let this be your most ancient concern, Venerable Brothers, that those men of apostolic spirit who undertake this ministry may increase in number, so that there may be no parish in your dioceses that is deprived of their ministry for too long. Indeed, we are not unaware that in GALLIAE there are men who, following the example of the Apostles, are devoted to prayer and the ministry of the word, and who are wholly dedicated to the sanctification of all and the edification of the Body of Christ. But, as you well know, their number is insufficient to reach all the parishes and to instill the evangelical discipline therein. Therefore, we also wish to commend this to your pastoral endeavors, so that each diocese may duly establish and promote this most beneficial and desired work of forming and supporting diocesan missionaries, and provide them with all the assistance, as is fitting, in matters of piety and doctrine. Indeed, the undertaking is not without its difficulties, arising from the requests of priests and the lack of resources. But you should not hesitate to cultivate this work, which is of such great

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benefit to the souls, that it should be fostered above all other pious works. Nor should you fear that such works will diminish; rather, they should be considered to be increasing, since it is clear that the piety which these sacred missions so greatly promote and protect is so necessary to these Christian institutions that, if it were to fail, it would certainly fail from which they themselves have their origin and their daily sustenance. Charity also suggests that we commend this to your diligence, which does not...

[*Latin ed. p. 269*]

The Sacred Congregation of Councils, having previously recalled in the Motu Proprio "Sacrorum Antistitum" the most salutary precepts and admonitions for the heralds of the divine word, urges you, Venerable Brothers, to diligently remember these things in your assemblies, and to exert the greatest care to ensure that they are religiously observed by all in your dioceses, recognizing that without the frequent attendance at sacred services, nothing will contribute to the benefit of your prudence for the Catholic cause, nor will the best of institutions. May God, the Father of lights, be present in your deliberations, and may He, by the light of His counsel, grant that you may determine matters that bring greater benefits to the Christian faithful, and may you apply them with the utmost diligence. In the meantime, We impart to you, Venerable Brothers, and to all those who are with you in the assembly, the Apostolic Benediction, a testament of Our paternal benevolence, earnestly in the Lord. Given in Rome, at St. Peter's, on the fifteenth day of May, in the eighth year of Our Pontificate. PIUS PP. X.

SACRED CONGREGATION OF COUNCILS.

PROVISIONS FOR CHURCHES.

By successive decrees of the Most Holy Pope Pius X, the following churches have been provided with their proper pastors:

April 28, 1911. — To the titular church of the Archiepiscopal See of Cyaneae, the Reverend John Keane, formerly Archbishop of Dubuque, has been appointed.

May 5, 1911. — To the cathedral church of Arras (-Boulogne-Saint-Omer), the Reverend Emile Louis Cornelius Lobbedey, formerly Bishop of Moulins, has been appointed.

May 8, 1911. — To the cathedral church of Moulins, the Reverend John Baptist Penon, dean of the parish of St. Mary Magdalene in the Archdiocese of Acqui, has been appointed.

May 12, 1911. — To the cathedral church of Lincoln, the Reverend John Henry Tihen, a general vicar of the Bishop of Wichita, has been appointed.

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To the cathedral church of St. George in Novae, the priest Michael Francis Power, of the Archdiocese of St. John in Novae, has been appointed.

[*Latin ed. p. 270*]

Acts of the Apostolic See. - Official Commentary. 270 — To the Reverend Father Franciscus de Campos Barreto, priest of the Cathedral Church of Pelotas, and pastor of Saint Cross in the city of Campinas. — To the Reverend Father Iosephus Thomas Gomes da Silva, priest of the Cathedral Church of Aracajú, and secretary of the Diocese of Paraíba. — To the Reverend Father Alvarus Augustinus da Silva, priest of the Cathedral Church of Floresta, and pastor of Saint Joseph, commonly known as Recife, in the Archdiocese of Olinda. — To the Reverend Father Modestus Augustinus Vieira, priest of the Cathedral Church of Saint Aloysius of Cáceres, and pastor of the place commonly known as Garatinga, in the Archdiocese of Marianna. — To the Reverend Father Herrn etem Iosephus Pinheiro, priest of the Cathedral Church of Uruguaiana, and pastor in the city commonly known as Recife, Archdiocese of Olinda. May 29, 1911. — To the Reverend Edmund Francis Prendergast, of the Metropolitan Church of Philadelphia, who has hitherto been the titular Bishop of Scillita and administrator of that same Archdiocese. Furthermore, the Most Holy Lord commanded that Letters Apostolic be issued under seal for the proper execution of this matter.

SACRED CONGREGATION FOR RELIGIOUS ORDERS. DOUBTS CONCERNING MANUSCRIPTS OF RELIGIOUS MEN FOR PUBLICATION.

The following questions were put to this Sacred Congregation for Religious Orders:

I. Are Religious men belonging to Institutes of simple vows subject to the same laws as Regular Canons of solemn vows, with regard to the requirement of an *Imprimatur* or approval from their Superiors, whenever they wish to publish any of their manuscripts?

II. If Religious men are forbidden by their Superiors to publish a certain manuscript, or if an *Imprimatur* is denied to them, may they give the same manuscript to another printer who will publish it with the *Imprimatur* of the Ordinary of the place, suppressing the author's name?

The Cardinals of the Sacred Congregation for Religious Orders, in a plenary meeting held at the Vatican on June 2, 1911, answered the abovementioned questions as follows:

To I: Affirmative.

To II: Negative.

[*Latin ed. p. 271*]

Sacred Congregation of Councils. 271 The Most Holy Pope Pius X, upon the report of the undersigned Secretary of the Sacred Congregation,

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approved and confirmed the response of the Fathers, on June 11, 1911. Given in Rome, from the Secretariat of the Sacred Congregation of Religious, on June 15, 1911. Fr. I. C. CARD. VIVES, Prefect. L. & S. f Donatus, Archbishop of Ephesus, Secretary. Sacred Congregation of Councils, Lausanne. REGARDING THE INTERPRETATION OF A WILL. A pious woman, Baroness Helena de Reiff, widow of Alt, in her own handwritten will, dated March 24, 1820, with the favor of her relatives and the favor of the Chapter of the Collegiate Church of St. Nicholas in Fribourg, which Chapter consists of only ten Canons, disposed of the following: "I wish that the sum of twenty-five thousand francs be taken from my income to establish a family endowment, the income of which shall be divided annually and perpetually among all the legitimate descendants of my late son, the Baron of Alt. I wish that the daughters of Alt shall not have any share in the income of this endowment after their marriage. If Adèle, my granddaughter, marries, she may enjoy it during her life, along with all the Alts. If, in the future, this endowment of the family of Alt experiences losses, they must be repaired from the income before its distribution. After the death of all the Alts of my family, said endowment shall revert to the Chapter of St. Nicholas, so that there may be twelve Canons; they shall say six Masses each year for me and for my parents; this said endowment shall be used to maintain their buildings. I desire it thus. The debt between the Reiff children, in the city, shall be included in the family endowment. I pray that Mr. the Canon of Chassot and Mr. de Chollet, guardian of my grandchildren, will execute all that is contained in this document, which contains my final wishes, and that they be respected.

[*Latin ed. p. 272*]

Acts of the Apostolic See. - Official Commentary. "in all things and everywhere, and also what I might communicate to one or another of my testamentary executors. "Made at Freiburg for the greatest glory of God and my salvation." On December 2nd of the year 1825, the testatrix passed away, and a few days later, her will, having been made legally valid, was read to those, by the aforementioned Chassot, Canon of the Collegiate Church of Saint Nicholas, and the following declaration was added: "Madame la Baronne d'Alt, née de Reiff, communicated the following items to me, with the request that I make a declaration concerning them after her death, desiring that all be executed. "1.° Towards the end of the year 1820 and at other times, she declared to me: "I wish that my granddaughter, Hélène d'Alt, during her life, have a share in the rents of the Bourse, so that she may be a beneficiary of the family of Alt that I established by my last will and testament, which is in the hands of Mr. the Notary Helffer." "2.° On April 21st, 1825, she declared to me the following: "In the event of the extinction of the legitimate male descendants of my family of Alt, I have

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established in my will a bequest in favor of the Venerable Chapter of Saint Nicholas: "I revoke and annul this bequest, and I wish that, in the event of the extinction of the legitimate male descendants of my family of Alt, the bequest mentioned in my will in favor of the Venerable Chapter of Saint Nicholas, be given to the two chaplains and the two coadjutors of Saint Nicholas, so that they may share the revenues among themselves perpetually; but this is under the very express condition that each of them preach the word of God, catechize, and care for the sick in this parish, just as the parish priest of the town does. "I believe that this change that I am making will be very pleasing to God!" In the meantime, in the year 1908, in the month of July, Edmund d'Alt, the last of the family, died in Lutetiae, Paris; but his heirs did not transmit the bequest to the Collegiate Church of Saint Nicholas until a year later, due to legal disputes arising between the heirs themselves and the tax authorities. The Chapter, having barely received the money, which amounted to almost 38,000 livres, immediately ordered 18 Masses to be celebrated for the intention of the testatrix, in satisfaction of the obligations of the years 1908, 1909, and 1910, and recorded the obligation in the foundation book. However, a great difficulty remains, first concerning the value of the declaration of the Reverend Father Chassot, and second, concerning the manner of distributing the revenues of the bequest according to the intention of the testatrix, whether it be for the repair of buildings, the preservation of which is incumbent upon the Chapter, or rather, for the establishment of new Chapter positions; these two things seem to the Chapter to be mutually exclusive. With regard to the first point, the Chapter did not fail to seek the opinion of...

[*Latin ed. p. 273*]

The Holy Congregation of Councils. Certain experts in law, distinguished for their knowledge and piety, having expressed their opinion as follows: "It appears to me that the following results from the texts of the Municipal Code: 1.° The testament of Lady d'Alt, which is handwritten, is valid according to the Municipal Code. 2.° The declaration made by the Reverend Canon Chassot during the reading of the testament of Madame d'Alt, in my opinion, has no value. It cannot revoke the testament made notarially by the testatrix. As a testament received by a priest, it is not in conformity with either the Municipal Code or the ordinance of 1818. Therefore, I believe that it is the testament published by the notary Helffer that should be considered the valid one. Furthermore, the following should also be noted: 1.° No one has challenged the testament of Madame d'Alt in a timely manner. 2.° The Canon Chassot, belonging to your Collegiate Church, could not, even as an ecclesiastic, receive a testament in favor of the Chapter, since he was interested in it. In any case, I believe that it is the testament of the notary Helffer, and that the bequest to the Chapter of Saint Nicholas must be applied in accordance with the facts and as published."

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It does not appear to have greater validity before ecclesiastical law that which was asserted by the Reverend Father Chassot, as the Consultant demonstrates, and according to the well-known saying: ”one witness, no witness.” Even more so, since this witness, being a Canon of the same Church, had an interest in the bequest. Furthermore, as the Chapter itself notes, it has already abundantly satisfied the pious desire of the deceased. For, since the care of souls habitually remains with the Chapter in the city of Freiburg, and this care has grown daily and is now exercised by canons, priests, coadjutors, and vicars, the Chapter has borne the major part of the necessary expenses for this purpose, and, among other things, it has deducted a sum of twenty thousand livres from its prebendary benefits to establish a suitable dowry for the coadjutors. As for the second point, namely, how the revenues of the bequests should be spent, whether for the maintenance of buildings or, rather, for the establishment of benefices; it does not appear that the testatrix intended either. For if we examine the words of the testament, it seems that she intended both. ”afin ACTA. vol. III, n. 8. - 26-6-911. 20

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis. - Official Commentary. ”so that one may have twelve canons... this said endowment will serve to maintain their buildings.” But since such revenues are by no means sufficient to establish new benefices; and on the other hand, a very heavy burden falls upon the chapter, which does not exist, of building and repairing the great number of parish houses in various regions, as well as the rectories of some parochial benefices, the Chapter inquires whether the pious intention of the testatrix will be fully observed, if the annual legacy revenues are used for the repair of all the aforementioned buildings. It is for the Fathers to judge whether the Chapter should set aside at least a portion of the revenues each year, in order to more quickly complete the number of twelve canons. DECISION. - In the general assembly on April 29, 1911, the Fathers judged that the following should be answered: In accordance with the will of March 26, 1820, the revenues of the legacy should first be spent on the repair of the chapter buildings, and once these have been sufficiently repaired, they should be used to complete the number of canons. C. CARD. GENNARI, Prefect. L. © S. B. Pompili, Secretary. FROM ORENSE. DOUBTS REGARDING THE LAW OF ABSTINENCE AND FASTING. The doubts which are presented here concern the interpretation of the rescript granted by the Sacred Congregation of Bishops to the Bishop of Orense on February 19, 1851; therefore, it is best to refer to it in full. It is of the following tenor: ”The Bishop of Orense, approaching with filial veneration, humbly ”requests and implores that you may deign to grant a dispensation to the ”inhabitants of his diocese for the sake of their well-being, so that during ”the Holy Forty Days, and during the four

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seasons, and on all days of "abstinence, whether by precept or by devotion, they may use "all kinds of pork fat, butter, lard, and cheese in their meals. In this "diocese of mine, there are no olive groves, and therefore oil is "considered very valuable; given the scarcity of money and coins, and "the general poverty, especially among those living in the countryside, "even those who are not entirely poor experience great inconvenience and "expense in acquiring oil; and it is..."

[*Latin ed. p. 275*]

Sacred Congregation of the Council. 275 "Because, as is most frequently the case, parish priests and confessors experience distress in the administration of the Sacrament of Penance, when penitents inquire whether they can consume even small amounts of fatty foods, or if they are burdened by poverty. To truly eliminate all occasion for doubt and to proceed with security, they humbly supplicated me, requesting that I intercede with Your Beatitude, so that the privilege granted by the Holy See to the diocese of Lucensis, in which the use of all pork fat is prohibited, or to the diocese of Mindoniensis, in which the consumption of butter and cheese is permitted, might be extended to the faithful of this diocese of Auriensis. Thus, anxieties and sins will cease among many who believe that it is very difficult to observe the precept of fasting with the use of only oil. With Your kindness approving these prayers, they understood that the diocesans, through the generosity of Your Beatitude, would be granted this privilege not for abuse and harm, but for the benefit of souls, and so that they might more easily and accurately fulfill the fast, whereby we are turned away from vices and cleansed of sins. And to eliminate doubts and scruples, it is also requested that this privilege be extended to all laypersons, whether clerical or of any rank and dignity, provided they are not bound by a vow. "Obediently fulfilling Your Holiness, I assure you of my sincere and perpetual obedience, and I pray that you may impart the Apostolic blessing to me." These prayers received, the Sacred Congregation graciously responded: "On Thursday, February 19, 1851, the Most Holy Pope Pius, by Divine Providence, Ninth of that name, in his customary audience with the Reverend Father, Assessor of the Sacred Office, after hearing the report of the Reverend Cardinals, General Inquisitors of the Holy Roman Church, graciously granted the following concession, with the exception of the fourth day of the week, Ash Wednesday, the three last days of the Greater Week, and the Vigils of Pentecost, of the Holy Apostles Peter and Paul, the Assumption, and the Immaculate Conception of the Blessed Virgin Mary, All Saints, and the Nativity of Our Lord Jesus Christ." Furthermore, the first doubt that arose concerning the interpretation of the aforementioned indulgence is whether the faithful are obligated to obtain a "Bulla Cruciata" in order to avail themselves of this privilege. Several priests of the diocese of Auriensis follow the affirmative opinion, based on the following reasons: 1.° Because

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the General Commissary of the "Bulla Cruciata" declared, during the aforementioned granting of the indulgence in the year 1851, that it was necessary to obtain the "Bulla Cruciata" in order to be able to use it; 2.° Because this opinion is supported by the practice introduced from the beginning and confirmed by the Bishops of Auriensis in their instructions and responses to the parish priests, indeed, in the diocesan synod held in the year 1908; 3.° Because, otherwise, the revenues from the "Bulla Cruciata" would be notably diminished.

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis. - Official Commentary. it was known in the diocese of Orense that something was occurring which was detrimental to the divine worship. For, concerning the expenses for the divine worship in this diocese, which, besides the Cathedral, has 680 churches, the sum of 124,161 livres is required, of which 121,388 livres must be deducted from the revenues of the Holy Cross, while the national treasury barely provides 2773 livres for the entire diocese. Furthermore, the question concerns the meaning or extent of the words "pork fat"; whether by the words used it is understood a broth (broth of meat, in Spanish "caldo de carne") of all pork, or only a broth or juice of pork lard. Moreover, it must be noted that in this diocese there is a custom, approved in the aforementioned Synod, of consuming all kinds of fish in the meals of days of fasting. With these premises, the Canon Penitentiary of the Cathedral Church of Orense, at the mandate of the Bishop, proposed the following authentic questions to be resolved: 1.° "Are the faithful of the diocese of Orense obliged to take the Bull of the Holy Cross for the use of the aforementioned privilege?" 2.° "Can the interpretation of the grant given by the 'Most Reverend Ordinary' in the year 1851 be safely followed, according to which not only can the faithful 'both at dinner and at supper use pork broth or juice, but also pork broth or juice of any kind of pork, even mixing it in the small supper with fish on vigils and other days of fasting, except for the fourth day of Ashes, the last three days of the greater week, and other days expressly mentioned in the grant?' And, in the affirmative: 3.° "Can pork broth or juice of any terrestrial animal be equated to pork broth or juice for the purposes of the preceding question, so that in this diocese pork broth of any animal can be taken even in the small supper, even if fish are customarily eaten?" Since a matter of great importance was at stake, the opinion of the Consultor was meticulous, so that, considering all that could help in the solution, whether in law or in fact, he might bring it to the attention of the Most Reverend Fathers. Therefore, the following questions to be clarified are proposed: 1.° Are the faithful of the diocese of Orense obliged to take the Bull of the Holy Cross for the use of the aforementioned diocesan privilege? 2.° Can the interpretation of the privilege given by the Ordinary of Orense in the year 1851 be safely followed, in which he declared that it is not only permitted

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both at supper and at dinner to use pork broth or juice, but also pork broth or juice...

[*Latin ed. p. 277*]

277 Sacred Congregation of the Council. Concerning all pork and even when mixed with fish in a small meal, except on days expressly excluded by privilege. 3. And in order to affirm: Whether any juice or extract from the flesh of any land animal can be equated with juice or extract from pork flesh, for the purposes mentioned above. DECISION. The Fathers, in a plenary session of the Congregation, on April 29, 1911, judged that the following should be answered: To the first question, No. To the second question, and to the third question, No. Juice of meat, whether of pork or of other animals, is not included in the aforementioned indulgence; included, however, are also condiments made from fat, whether of pork or of other animals, and also butter. C. L. CARD. GENNARI, Prefect. S. Basilius Pompili, Secretary. III. CARCASSONNE. COLLECTION OF ALMS IN PARISHES. After the law of "separation" in Gallia, many bishops, desiring to provide for the needs of the clergy, instituted a work commonly called "du denier du clergé," by which, through offerings collected from the faithful by the parish priests within their own district and transmitted to the bishop, they could, to a certain extent, achieve the aforementioned purpose. The Bishop of Carcassonne, having found that some of the parish priests in his diocese were reluctant to comply with the regulations he had laid down, proposed the following questions to the Sacred Congregation: I. Whether the bishop can compel the parish priests, by the force of his authority, to fulfill the duty of collecting offerings from the faithful. II. Whether he can punish those who are disobedient, not excluding the removal from the parish office itself, according to the terms of the Decree: *Maxima cura*, canon 1, nos. 7 and 9. Regarding these matters, action had already been taken at plenary assemblies held on May 22, 1907, at the request of the Bishop of Cenomanensis. However, then the Fathers did not consider it appropriate to resolve the matter in itself or in general, as it is now presented, although their intention was that the parish priest, about whom they were discussing, and anyone else who wished to collect funds and provide for the expenses of worship in a manner other than that prescribed by the bishop, should be warned to obey the bishop's mandates, and that the bishop should also have the power to transfer him to another parish if he refused to comply.

[*Latin ed. p. 278*]

Acta Apostolicae Sedis. - Official Commentary. 278 Therefore, the questions recently proposed by the Bishop of Carcassonne were again presented to the Eminent Fathers, and the opinion of another Consultor was also sought regarding them. DECISION: After considering the newly presented arguments, and taking into account those discussed in the previous Con-

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gregation, the Eminent Fathers, in plenary session, on April 29, 1911, decided that: In the aforementioned case, the Bishop can, with just cause, obligate the parish priests to collect, either personally or through others, the offerings of the faithful, and to pursue, with canonical penalties, those who, after warnings, remain disobedient; and, if they are contumacious, to remove them from the parish, observing the laws that must be observed. C. CARD. GENNARI, Prefect. L. © S. Basilius Pompili, Secretary. S. CONGREGATION OF THE INDEX DECREE, Tuesday, June 12, 1911. The Sacred Congregation of the Eminences and Reverend Cardinals of the Holy Roman Church, entrusted by the Most Holy Pope Pius X and the Holy Apostolic See with the supervision and delegation concerning the Index of books of false doctrine, and their condemnation, proscription, expurgation, and permission throughout the Christian republic, having met in the Apostolic Palace at the Vatican on June 5, 1911, condemned and condemns, and has ordered and commands that the following works be referred to the Index of Prohibited Books: DERMODERNISTENEID. An Appeal to German Priests by Clericus Germanicus. Augsburg, 1910. DR. W. KOCH and DR. O. WECKER, Religiös-wissenschaftliche Vorträge Dritte Reihe: Katholicismus und Christentum. I. and II Editions. Rottenburg, 1910. AUGUSTE HUBERT, Les origines de la Théologie moderne - I. La Renaissance de l'Antiquité chrétienne (1450-1521). Paris, 1910. OTTOKÀR PROHÀSZKA, AZ Intellektualismus tulhaitàsai. Budapest, 1910. - Több békességet (in Egyházi Közlöny, Dec. 23, 1910). - Modern Katholicizmus. Budapest, 1907. Therefore, no person of any rank or condition, possessing the aforementioned condemned and proscribed works, in whatever place and in whatever language,

[*Latin ed. p. 279*]

IF the Congregation of Rites should, either in the future, publish, or should, having published, read or retain, [certain documents], under the penalties indicated in the Index of Prohibited Books. These matters having been reported to His Most Holy Father, Pope Pius X, through me, the undersigned Secretary, His Holiness approved the decree, and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on the 6th of June, 1911. F. CARD. DELLA VOLPE, Prefect. L. © S. Thomas Esser, O. P., Secretary. SACRED CONGREGATION OF RITES. I. CONCERNING EXPOSITION AND BENEDICTION OF THE MOST HOLY SACRAMENT. The present Master of Ceremonies of the Metropolitan Church of Westminster, with the consent of his Reverend Archbishop, humbly submits the following questions to the Sacred Congregation of Rites:

I. In the absence of ministers and singers, is it permissible to celebrate a Votive Mass of the Most Holy Sacrament, in exposition or reposition for the Forty Hours Devotion, without singing; and to perform the entire function without singing, in the same manner as is done on a Feria V in the Lord's

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Supper, according to the Memoriale Ritum?

II. Is it permissible to read or omit the Votive Mass to be celebrated on the second day of the Forty Hours Devotion?

III. Is an Indult necessary, so that during the Forty Hours Devotion, the exposition and adoration may be suspended during the night hours?

IV. Since it is difficult to have a fixed exposition throne, unless a Cross is placed upon it, the question is asked: Is it permissible to erect a fixed throne, or a small fixed ciborium, above the tabernacle, for the exposition of the Most Holy Sacrament; or must a throne be erected solely for the exposition and removed after the exposition?

V. Is it permissible to construct an exposition throne on a wall, a few meters away from the altar?

VI. Is another throne, or a small baldachin, necessary for the exposition of the Most Holy Sacrament, where a large baldachin, or ciborium, is already present?

[*Latin ed. p. 280*]

Acts of the Apostolic See. - Official Commentary.

280 VII. Is it permissible for laypersons to touch the ostensorium without an Apostolic privilege, which is required for touching sacred vessels?

VIII. Should the ostensorium be covered with a white veil when it is placed on the altar before and after the exposition of the Most Holy Sacrament?

IX. What color should the stole of the priest who is exposing the Sacrament be, when the Benediction of the Most Holy Sacrament immediately follows the Solemn Vespers, and the celebrant does not retire from the choir with the other ministers?

X. Is it permissible for any celebrant, or only for the Bishop or Prelate, to remain kneeling on the altar, on the lowest step?

XI. When the Ordinary, wearing a cope, is present in the sanctuary for the Benediction of the Most Holy Sacrament, should he adore with both knees when he approaches the altar to incense, or when he departs from it?

XII. Do the decrees, which prohibit liturgical prayers from being sung in the vernacular language, also extend to the Litany, the Our Father, or the Hail Mary, which are recited or read before the Most Holy Sacrament exposed?

And the Sacred Congregation, with the careful support of the Liturgical Commission, and after careful consideration of all matters, judged that the following answers should be given:

I, II, and III. To obtain the effects of Indulgences and the privilege concerning the altar, it is necessary to request an Indult from the

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Sacred Congregation of the Holy Office, in order to dispense from the form prescribed by the Clementine Instruction. Otherwise, the Bishop may exercise his right, but the rubrics and decrees should be observed concerning Votive Masses, unless a special Indult exists or is obtained.

IV. Negative to the first part; affirmative to the second.

V. Affirmative, provided that the throne of exposition is not too far from the altar, with which it must cooperate in a single purpose.

VI. In this case, the custom that is in force can be observed.

VII. The decrees must be observed.

VIII. Affirmative.

IX. Of the same color as the vestments of the celebrant.

X. Negative to the first part; affirmative to the second.

XI. Affirmative in this case.

XII. Reference is made to decrees n. 3530, Naples, concerning I and II, and n. 3157, Mechlin, concerning VIII.

5 September 1867.

And thus it was written, on 27 May 1911.

Fr. S. CARD. MARTINELLI, Prefect.

L. S. f.

Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 281*]

Sacred Congregation of Rites. 28th of July. VARIOUS DOUBTS. The present Editor of the Diocesan Calendar of Bayonne, in France, with the consent of his Most Reverend Bishop, humbly submits the following doubts for appropriate declaration to the Sacred Congregation of Rites:

I. Whether the Decree of May 8, 1899, concerning the Office and Mass of Saint Odilo, Abbot of Cluny, celebrated with a lesser double rite, extended to all churches in France, obliges all French dioceses to adopt it, or whether this extension is simply a permission?

II. Whether the day of July 7th is the quasi-natalitia (quasi-natal day) for Saints Cyril and Methodius, Bishops, according to the Roman Martyrology?

III. Whether, on the Feast of the Seven Founders of the Order of Servites of the B.V.M., which lacks Vespers, the hymn "Matris sub almae" should be recited at Lauds, together with the hymns "Bella dum late" and "Sic Patres vitam" at Matins?

IV. If, in the third Nocturn of a Saint or Mystery, the readings are excerpts from the works of the same Saint, or are historical accounts concerning the Mystery, whether the three readings should be reduced to two, as is done on the Feast of Saint Hilary, Bishop, and in the case where the ninth reading

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must be read from another Office celebrated on the same day?

V. When Saint Sylvester is the Patron or Titular, whether the second Vespers of his feast should be taken from the Common of a Confessor Pontiff, or whether they should be recited up to the capitulum from the Nativity of the Lord, as on other days within the Octave?

VI. When marriages have been celebrated at a prohibited time, and the spouses subsequently request a nuptial blessing, according to the Decree of the Sacred Congregation of the Holy Office of August 31, 1881, whether a day should be chosen on which a votive Mass for the spouses can be said, as some claim, based on the General Decree on Votive Masses of January 30, 1896, or whether, in this case, the nuptial blessing can be imparted within the Mass, for example, on a double feast of the second class with a commemoration for Spouses, according to the rubric in the heading of the Mass for Spouses?

VII. To impart the nuptial blessing to married couples after a feria (weekday), is the presence of both spouses necessary, or is the presence of only the bride sufficient?

[*Latin ed. p. 282*]

282 Acta Apostolicae Sedis. - Commentarium Officiale! VIII. Utrum, in Ecclesiis Parochialibus quae tantum unam Missam celebrant, Parochi debeant, secundum normam Decreti n. 3887 diei 21 Februarii 1896, Missam pro populo applicandam iuxta officium diei celebrare, etiam in Dominicis ad quas, iussu Card. Caprara, transferuntur solemnitates Epiphaniae Domini, SS. Corporis Christi, SS. Apostolorum Petri et Pauli, et praecipui Patroni loci, atque etiam quorundam aliorum festorum ex peculiaribus Indultis, vel possint per Missam dictarum solemnitatum oneri suo satisfacere? IX. Utrum solemnitates iussu Card. Caprara ad Dominicam proxime sequentem translatae, et ceterae ex Indulto particulari similiter faciendae, celebrari debeant, an possint etiam in Oratoriis semipublicis ubi singulis Dominicis solet Missa cantari? X. Si, extra Expositionem XL Horarum, et Festum SS. Corporis Christi, fieri contingat expositio SS. Sacramenti immediate post Missam, Hostia debeatne intra hanc Missam consecrari, vel accipi possit Hostia iam prius consecrata? XI. Quatenus affirmative ad secundam partem; utrum Hostia iam antea consecrata poni possit in Ostensorio ante purificationem et ablutiones, vel expectari debeat usque ad expletum ultimum Evangelium? XII. Utrum celebrans in Vesperis solemnibus possit stolam induere sub pluviali a principio Officii, cum immediate post Vesperas, quin ipse recedat a Presbyterio, fiat Expositio cum Benedictione Sanctissimi Sacramenti? XIII. Utrum Processio cum SSmo Eucharistiae Sacramento, quae immediate ut supra subsequitur Vesperas cum paramentis rubris vel viridibus cantatas, cum iisdem fieri debeat, vel albi coloris assumi debeant paramenta? XIV. In benedictione Olei Catechumenorum, feria V Coenae Domini, Rubrica

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Pontificalis statuit: « duodecim Sacerdotes reverenter salutant Oleum ipsum dicentes: Ave Sanctum Oleum». Haec verba: «reverenter salutant», suntne ita interpretanda, ut debeat fieri genuflexio, sicut ad Sanctum Chrisma, vel simplex inclinatio capitis? Et Sacra Rituum Congregatio, exquisito Commissionis Liturgicae voto, propositis dubiis sedulo expensis ita respondendum censuit: Ad I. Singulis petentibus Sacra Congregatio reservavit sibi concessionem iuxta Decretum citatum. Ad II. Affirmative. Ad III. Provisum in Decreto 8 Aprilis 1908. Ad IV. Decernendum in casibus particularibus. Ad V. Negative ad primam partem; affirmative ad secundam.

[*Latin ed. p. 283*]

283 (Sacred Congregation of Rites. Regarding VI: Negative to the first part; affirmative to the second. Regarding VII: Affirmative to the first part; negative to the second. Regarding VIII: Affirmative to the first part; negative to the second. Regarding IX: The solemnities mentioned may be celebrated in the semi-public oratories of which mention is made in Decree No. 4007, of January 23, 1899. Regarding X: Negative to the first part; affirmative to the second. Regarding XI: Negative to the first part; affirmative to the second. Regarding XII: Affirmative. Regarding XIII: Affirmative to the first part; negative to the second. Regarding XIV: Affirmative to the first part; negative to the second. And thus it was responded, on May 27, 1911.

Most Reverend Father Sebastian, Cardinal Martinelli, S.B.C., Prefect, h. © S.

Most Reverend Peter La Fontaine, Bishop of Charyste, Secretary.

III. CONCERNING THE CUSTOM OF GRANTING ABSOLUTION TO THE DEAD ON SUNDAYS AND HOLIDAYS IN THE CHURCHES OF QUINQUE ECCLESIARUM, LIMITED TO THE DAY OF THE FUNERAL.

The current Bishop of the Diocese of Quinque Ecclesiarum, in Hungary, humbly presented the following to the Sacred Congregation of Rites:

"For several years now, unknown to the Bishop, a custom has flourished in some of the filial churches of the Diocese of Quinque Ecclesiarum, namely, the celebration of an Anniversary, founded with the recitation of 'Libera me, Domine,' on Sundays and holidays, as follows:

"First, a sung Mass is celebrated on the Sunday or holiday, in the proper color. After the Mass, the celebrant goes to the sacristy, removes his vestments, and puts on a black rain cape, and immediately enters the church to grant absolution before the tomb or the place of mourning, which is constructed only after the end of the Mass in the church.

"The question is asked: Can this custom be maintained, given that these Anniversaries are celebrated on Sundays and holidays by established custom, and, due to the distance from the Mother Church and other duties of the clergy, or even due to a lack of suitable personnel, they can scarcely be

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transferred to weekdays?

"And the Sacred Congregation, with the careful support of the Liturgical Commission, and after diligent consideration, decided to respond as follows:

"For the sake of expediency, the custom may be maintained; however, with the following exceptions of the first class..."

[*Latin ed. p. 284*]

Acts of the Apostolic See. - Official Commentary. provided that the Absolution and Response are entirely independent of the Mass of the day, according to Decree No. 3870, Rome, July 12, 1892, section VIII. And thus, He responded and granted [permission], on May 31, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charysteien, Secretary. SACRED ROMAN ROTA OF DIJON. NULLITY OF MARRIAGE (Dijon). - TURK-JALLU. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on January 20, 1911, the Most Reverend Fathers, William Sebastieneiii, Seraphinus Manu, Ponens, and Franciscus Heiner, Auditors of Tournon, in the case of Dijon, Lyons. - Nullity of Marriage, concerning the appeal of German Jallu against the sentence of the Metropolitan Court of Lyons, between the aforementioned German Jallu, represented by her procurator, Nazarenus Ferrata, appointed ex officio, and George Türk, who was contumacious, with the Defender of the Bond, appointed ex officio, present and arguing in the case, rendered the following final judgment. Facts of the case. - On September 29, 1904, German Jallu and George Türk entered into marriage according to the usual rites, in the place called Pontailler, in the diocese of Dijon, in Gallia. This marriage had an unhappy outcome, and therefore, between the spouses, first a separation and then what is called a civil divorce were instituted. Therefore, when the wife, German Jallu, a Catholic and pious woman, intended to enter into another marriage, she began to challenge her marriage with George as null, alleging a defect in the Tridentine form, because the parish priest of the place, Pontailler, who was not the proper parish priest, celebrated the marriage without sufficient delegation from the proper parish priest of either of the spouses. She therefore presented a petition to the Court of Dijon, which, on July 9, 1907, rendered a judgment declaring the marriage null. Since the Defender of the Bond of Dijon appealed against this judgment to the Metropolitan Court of Lyons, this latter, in turn, on December 12...

[*Latin ed. p. 285*]

On the 28th of January, 1907, the marriage was declared and confirmed as valid. From this decision of the Metropolitan Tribunal, German Jallu appealed to the Holy See, and the matter was then brought before the Sacred Congregation, according to the established procedure, as follows: Is there

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a nullity in the marriage in this case? The Reverend Fathers and Doctors of the Sacred Congregation judged that the answer should be: No. From a legal standpoint. (This concerns the law as it was before the enactment of the "Ne temere" decree). It is necessary to recall the most celebrated decree "Tametsi," chapter 1, session 2nd, of the Council of Trent, concerning the reform of marriage, in which the following was established: "Those who contract marriage otherwise than in the presence of a parish priest, or another priest with the license of the parish priest or ordinary, and with two or three witnesses, the Holy Synod declares to be entirely incapable of contracting marriage." Therefore, when a marriage is celebrated before a priest who is not the parish priest or ordinary of either of the parties, the license of the parish and ordinary is required, under penalty of nullity of the marriage. However, the Council of Trent did not wish this license to be subject to any special condition or law, but left it to be regulated and ordered by common law. Furthermore, the license granted to a priest to celebrate a marriage is a type of faculty or privilege, or, in a broad sense, a delegation of jurisdiction (although it is not strictly a delegation of jurisdiction, since the act by which the parish priest participates in the marriage is not an exercise of jurisdiction). Therefore, the act by which the license is granted is assimilated to the act by which a privilege, or a faculty, or jurisdiction is granted. Indeed: 1.° He who grants a faculty, privilege, or jurisdiction, must do so knowingly and willingly, for it is a certain donation; the same, therefore, must be said of him who grants a license to celebrate a marriage: therefore, a positive, actual or virtual act of will is required; it is not sufficient that there be an interpretative intention, which might be present in this or that case, but in fact is not present, nor is there a habitual intention, which is nothing other than a disposition to grant a faculty or delegation, if it is requested. However, an explicit act of will is not required, which would specifically refer to this particular marriage; but a tacit act of will is sufficient, namely, one that is contained in something more general, for example, if a parish priest says to a priest: "I delegate you to celebrate all marriages"; or even, "to administer all sacraments"; or even, "to exercise the entire pastoral care." The reason for this is that, as stated above, the Sacred Council of Trent did not subject the license to celebrate a marriage to any restriction or limit. Just as, for a specific act to be carried out, an implicit faculty is sufficient,

[*Latin ed. p. 286*]

Acts of the Apostolic See. - Official Commentary. In other, more general matters; thus, for the celebration of a marriage by a priest who is not the parish priest, a general, implied permission is sufficient. This has always been the position of the Holy Congregation of the Council, as demonstrated by numerous instances in Pallottini's *Collectio Conclusionum*, etc., vol. Matrimonium, § 16, nos. 72 and following.

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2. Regarding the priest to whom permission to celebrate the marriage is granted, he must be aware of and accept it; as stated above, this granting of permission, like the granting of a faculty or privilege, is a certain donation, and a donation is not perfected unless there is a concurrence of two wills, namely, the will of the one who grants and the will of the one to whom it is granted. Therefore, according to the distinction used in matters concerning privileges, either the priest himself requested the permission, and in that case, the permission benefits him from the moment it is granted, even if he has not yet become aware of it, because at the moment of the granting, the concurrence of the two wills is sufficiently present; or, the permission was granted to him spontaneously by the one granting it, or at the urging of a third person, and in that case, it is necessary that the priest be aware of the permission granted and accept it; otherwise, the required concurrence of the two wills would not be present. This is the doctrine commonly held by the Doctors, both ancient, e.g., Sánchez, *De Matrimonio*, book 3, discussion 36; Coscius, *De separatione thori coniugalis*, book 1, chapter 14, no. 21; Ferraris, *Bibliotheca*, article Matrimonium, no. 11; Giraldi, *Expositio Iuris Pontificii*, Part II, section 115, no. 14; Barbosa, *De Parocho*, Part II, chapter 21, no. 75; Schmalzgrueber, in the title *de Clandestina desponsatione*, nos. 203 and following; and more recent, e.g., D'Annibale, *Summula*, vol. I, no. 74, note 32, and vol. III, no. 461, note 64; Gasparri, *De Matrimonio*, nos. 1130-1131, edition 3; Wernz, *Ius Matrimoniale*, no. 180, ad 3, note 218; Ballerini-Palmieri, *Opus Morale*, vol. VI, on Marriage, no. 1230, etc. The Holy Congregation of the Council has also held this doctrine in numerous decisions, notably in the decisions of December 5, 1626, and April 15, 1628, and in others cited by Pallottini, op. cit., nos. 53-57. However, it should be noted that there is a controversy on this matter, and it is a considerable one.

Regarding the facts: The priest Francis Chevalier, parish priest of the place called Pontailler, on September 29, 1904, joined in marriage George Türk and German Jallu. The priest Maes, the proper parish priest of George Türk, before the marriage, gave to him a document attesting to the proclamation of the banns, to which was attached, as a precaution, a license to celebrate the marriage; this document George was obliged to present, and indeed did present, to the priest who was to celebrate the marriage, namely, Francis Chevalier; but he, who considered himself the proper parish priest of the bride, did not...

[*Latin ed. p. 287*]

St. Romanus Botta. 287 testifies that he was present before the marriage to the aforementioned license, which was attached to the certificate of banns. The other particulars are omitted here, as they are not in dispute. In this case, there are two grounds for nullity of the marriage: one on the part of the delegating priest, who did not give an effective and sufficient

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license; the other on the part of the priest to whom the license was granted before the marriage, who ignored the license granted to him. Regarding the first ground for nullity, the following should be declared: The priest Maes, the proper pastor of Georgius Türk, handed to the priest who was to celebrate the marriage, through Georgius, a certificate of the publication of the banns, which reads as follows: "...Most Reverend Lord, Georgius Türk and Germana Jallu have been proclaimed once, without impediment, in order to be joined in marriage. Therefore, nothing obstructs, on our part, the granting of the nuptial blessing to Your Reverence, or to Your Delegate, even if a special delegation from us were necessary. Your Reverence's most humble servant (signed) Em. Maes, pastor. - From Monsieur le Curé of the parish of... to... I have sacramentally heard G. Türk." Everything is printed, except for the names of the betrothed, the pastor's signature, and the word "once." As is evident, attached to the certificate of the publication of the banns, for caution, was a license, or delegation, to celebrate the marriage, with these words: "even if a special delegation from us were necessary." The state of mind and disposition with which the pastor Aemilius Maes granted this license or delegation, he reveals in his testimony: "I acknowledge that I gave this delegation under the normal conditions of all ordinary marriage delegations, under a printed form that is always given with the certificates of banns. I consider these expressions (even if a special delegation from us were necessary) not to be merely formal, but intentional... I gave this delegation in an administrative manner, without it being requested, and without thinking that it would be necessary, and therefore without an actual intention of giving it, nor special attention; however, with the usual intention of giving these delegations when they are necessary." Therefore, regarding the nullity of the marriage, it can be said and is said: As the pastor Aemilius Maes himself confesses, in granting this license or delegation, he did not have any actual or virtual intention, but only an administrative or habitual one. Furthermore, this habitual intention is not sufficient for the validity of the delegation, as stated above, therefore, there is no license, and the marriage is not valid. However, if we examine the matter more closely, something entirely different must be said.

[*Latin ed. p. 288*]

388 Acta Apostolicae Sedis. - Official Commentary. When, therefore, the parish priest Aemilius Maes signed the aforementioned document with his own hand, and delivered it to Georgius, it is undoubtedly true that he had a clear and actual intention to give and grant whatever was contained in that document. For when anyone signs an act or a form, he promises all that is contained in that act or in that form, and he assumes responsibility for all of these things. And this is understood in every type of legal act or contract. Thus, for example, in a will, a donation, or a sale, a document

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is carefully prepared by the person concerned or by the person entrusted with the task, in which are contained not only the principal matters subject to the contract, but also the less important or accessory matters. Therefore, when I append my signature to a document, I have the actual intention of giving, selling, etc., whatever is contained in the document; this intention is explicit with regard to those things that are present in my mind, but implicit with regard to those things of which I no longer remember, but which are nevertheless contained in the document; and I say, all of these things, by the actual intention of my signature, I give, I grant, or, as the case may be, I sell, and I assume responsibility for all of these things, unless I expressly exclude something. Thus, it is in the present case: the document in question was prepared either at the order of the bishop, who prescribed the form to be used in writing the document, or by the care of the parish priest, who had it printed; and this document contains two things: first, an authentic attestation of the banns proclaimed; and second, a grant of delegation for caution. Therefore, when the parish priest Aemilius Maes signed the aforementioned document with his own hand, he had the actual intention of giving, granting, and doing whatever was contained in it; this intention was explicit with regard to that part that he had present in his mind, namely, the attestation of the banns proclaimed, but implicit with regard to that part to which he was not actually attending, but which nevertheless was contained in the document, and which he had often read in similar documents, namely, the grant of delegation for caution; and therefore, he granted both things. Nor should it be said that the clause referring to the delegation, namely, "even if a special delegation for this purpose were necessary," does not contain anything more than a certain habitual intention of granting a delegation in a hypothetical case, namely, if it is necessary. For these words in the document recur in the following: "I also grant a delegation, if it is necessary"; otherwise, the purpose of the clause would not be achieved, which purpose is to render, as far as is within the power of the parish priest, the marriage valid, as is stated in the document: "Therefore, nothing stands in the way on our part for the nuptial blessing to be imparted to Reverend Father, even if, etc."

[*Latin ed. p. 289*]

St. Boma Bota. 289 Therefore, the parish priest of Maes, who signs the form, grants permission if it is necessary; however, this condition, "if it is necessary," does not invalidate the validity of the grant, as is well known in all matters of contracts and donations; indeed, since it is a condition not of the future, but of the present, it does not delay the force of the delegation, which has immediate effect. Therefore, the parish priest of Maes granted this permission or delegation, not merely with a habitual or interpretative intention (although he himself may assert it less accurately), but with a truly and properly actual intention, albeit implicit, in the sense explained

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above. Or, if you prefer, when the parish priest of Maes, for the first time, in this form prepared, drafted, and printed by the Bishop or by himself, noticed and attended to this clause of the delegation for caution, then he had an actual intention of granting the delegation (if it were necessary), whenever he was about to sign the form; this intention virtually persisted in all cases in which he actually signed the form, and therefore also in our case. Nor is it required for the validity of the delegation that there be an expressly and explicitly expressed act of will for each instance; firstly, because a virtual will or intention is sufficient, as in any act and contract; secondly, because an implicit intention is sufficient, namely, as stated above, within a more general context, as in these formulas: "I delegate you to all marriages, or I will grant a delegation whenever I sign this form," and in other similar cases. Nor can it be said that this aforementioned permission or delegation has no validity, as if it were too vague and indeterminate, because the parish priest of Maes does not even name or designate a priest to whom the permission is said to be given; indeed, in the form, as it was delivered to George, it reads at the end: "From Monsieur the Curé of the parish of [blank]" - where the parish priest of Maes wrote the name of the parish or place. I say, this does not invalidate it, because it is entirely accepted that a permission granted by the proper parish priest is valid for two betrothed to contract marriage before a priest chosen by them; which the Holy Congregation of the Council has decided on several occasions, as reported by Pallottini, in the cited passage, nos. 37, 39; and which canonists commonly teach: cfr. Gasparri, De Matrimonio; no. 1141, vol. 2, p. 168, ed. 3; from which it follows *a fortiori* that the permission granted by the proper parish priest is valid for betrothed to contract marriage before a priest already chosen and determined, as was the case with us, the parish priest of "Pontailler." Therefore, from this point of view, the argument for nullity has no foundation. Nor can it be said that this conclusion is contradicted by the decision of the Holy Congregation of the Council, in Annecien, July 29, 1905. For in the case resolved by the Holy Congregation, there were entirely different circumstances. It concerned a marriage contracted before the parish priest of the place called Viry, in Savoy, who was not...

[*Latin ed. p. 290*]

290 Acta Apostolicae Sedis. - Official Commentary. He was the proper pastor of either of the spouses, although he believed himself to be the proper pastor of the bride. Furthermore, the pastor of St. Julian, who was the proper pastor of the groom, sent to the pastor of the place of Viry a certificate regarding the banns proclaimed, which reads as follows: "We, the undersigned, archpriest and pastor of 'St. Julian, certify that two publications were made with dispensation from the third, concerning the future marriage of Comme. Since no objection was raised against said marriage, it is permissible to proceed with its canonical celebration," and

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nothing else. Upon receiving this certificate, the pastor of Viry celebrated the marriage. However, this marriage was not declared null by the Curia of Annecy nor by the Sacred Congregation of the Council. Truly, as is evident, a great difference exists between this case and the present one. In our case, the document of the banns contains a clear, albeit conditional, delegation, "even though a special delegation from us would be necessary for this," while in the document of the banns in Annecy, there is no trace of a delegation; indeed, the words cited above: "Comme aucune 'réclamation, etc.," by their genuine and obvious meaning, signify only that, after the proclamation of the banns, no impediment was revealed, and therefore, in this regard, it is permissible to proceed with the marriage. It is true that the pastor of St. Julian, when questioned by the judge of Annecy, responded: "I declare that with this formula (of the document of the banns), my intention is to give all delegation, if it is needed"; but, since this intention is in no way expressed in the aforementioned formula, it was rightly held to be merely habitual or interpretative, or not sufficiently externally expressed. Regarding the second argument for nullity, the appellant's lawyer states that the pastor of the place of Pontailler was ignorant of the permission granted to him by the proper pastor of the groom, and therefore, according to the doctrine previously explained, commonly transmitted by doctors, and decided by the Sacred Congregation of the Council, this permission is invalid, and therefore the marriage is null. However, this argument is not sound. Firstly, it is not certain that Reverend Chevalier, the pastor of the place of Pontailler, was ignorant of the permission granted to him by Pastor Maes. Regarding this fact, Reverend Chevalier and Reverend Father Quillet, who celebrated the marriage in place of D. Chevalier, do not agree in their depositions. Reverend Chevalier states in his deposition: "It was only after the celebration of the marriage that I became aware that a delegation had been granted to me by M. Maes." Reverend Quillet, on the other hand, states: "I must add, if my memory serves me correctly, that at the lunch after the

[*Latin ed. p. 291*]

The Roman Rota. 291 "Regarding the marriage at the presbytery, the Dean remarked before me that he 'did not know for certain whether he was the pastor of Jallu, as those individuals had been spending several months on holiday with their relative, Madame de Baudot.' This observation surprised me, and it would have even worried me, if the Dean had not added, while praising it, the formula that the pastors of the diocese of Cambrai add to the certificate of confirmation to delegate in case of necessity the designated pastor. In this regard, I was reassured." Furthermore, Reverend Chevalier, in another deposition, was asked: "14 - If a witness claims that you praised this formula of delegation during the lunch that followed the marriage, what would you say?" To which he replied: "I have no recollec-

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tion of it. If I had seen this delegation, I would have been struck by it. If a formal testimony were presented against me on this point, I would believe it to be a lapse of memory, which is possible, but which seems implausible for the reasons mentioned above." Therefore, since these two testimonies do not agree, and a lapse of memory is not only possible, but entirely likely, especially after approximately three years, it must be said that it is not proven that Reverend Chevalier was unaware of the permission granted to him. For it has never been decisive proof that someone did not say or do something, especially something dating back three years, that they did not truly say or do it. Moreover, it is entirely implausible that a pastor, receiving a small sheet of paper, would read the lines written at the beginning, which concerned the banns, and then see at the end the name, surname, and title of the writer, and overlook the formula of delegation, which was printed in the middle. This would be even more surprising, since, as the records show, the pastor, before the celebration of the marriage, had doubted whether he was the proper pastor of the contracting parties, as is evident from the depositions of Maria Martinet, mother of the bride, as well as of Reverend Quiliet, who celebrated the marriage. Therefore, in no way is it proven that Reverend Chevalier was unaware of the permission granted to him. Even if it were conceded that Reverend Chevalier was unaware of the permission granted to him, it would not therefore be proven that the marriage is null. For with regard to the decisions on this matter issued by the Holy Congregation of the Council, they are reported by Pallottini, in the aforementioned passage, n. 56: "We humbly request that the Holy Congregation of the Council resolve whether a marriage contracted before a priest who is not the proper pastor, but who has permission from his own pastor from one of the contracting parties, and who is unaware that he has this permission, as is also the case with one of the contracting parties, is valid." The Holy Congregation responded: "The marriage, as mentioned above, contracted before a priest who neither..."

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis. - Commentarium Officiale. "He did not possess certain knowledge, nor presumptuous knowledge, from his own parish priest, regarding whether the dispensation was 'valid.' In 'Nullius,' on December 5, 1626, and on April 15, 1628, in the 'Dubium' to Chapter 1, session 24, concerning the Reformation of marriage, and in the book of Decretals, page 335. Furthermore, whatever the nature of these decisions may be, they have not resolved the controversy among the doctors on this matter, as mentioned above. Before these decisions were issued, the doctors were debating among themselves whether knowledge and acceptance of the delegation were required in a delegated priest, a controversy that can be seen in Sánchez, *De Matrimonio*, book 3, dispute 36, where, in section 1, he cites many and weighty authors who hold

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the negative opinion. However, after the aforementioned decisions were upon, although the opinion in favor of the affirmative view became more common over time, the controversy remained. Engel, in *De Clandestina dispensatione*, section 17, teaches that for the validity of the license, its knowledge is not required, because, at times, the Council of Trent does not require this. "Whether this license should have been made known to the parties beforehand," he says, "this is not expressly stated in the Council, and although the doctors assert it, their reasoning is very doubtful and controversial. Therefore, since, concerning the old law, of which such a marriage undoubtedly had validity, it is not considered more correct than what is expressly stated, and in case of doubt, preference should be given to the marriage, the invalidation of which is odious and often scandalous, so that it can be maintained even by the singular opinion of one classical Doctor (Sánchez, *De Matrimonio*, book 1, dispute 18, section 7), and since equity should be preferred to the rigor of the law, I believe it is probable that this marriage is valid." Then Engel refutes, and indeed with arguments that are not to be scorned, the reasons presented by other authors, especially by Sánchez. For this same Engelian opinion, several other doctors are cited, in Pallottini, in the aforementioned place, sections 51-52. Since there is controversy on this matter, and it is a serious one, as D'Annibale says, in *Summula*, volume 1, section 225, note 26, page 212, edition 3, it is undoubtedly the case that if we are dealing with a marriage already contracted, it should be favored. This conclusion is expressed by Emus Gasparri as follows: "In the presence of a controversy, in practice, if we are dealing with a marriage to be contracted, the affirmative opinion should be held; if it is a marriage already contracted, the marriage should be favored until the Holy See declares otherwise." *De Matrimonio*, section 1131, edition 3, volume 2, page 163. Similarly, D'Annibale: "Therefore, if someone did not himself request this (license), and did not know that it had been granted by another, and nevertheless, he may have used it, it seems to me that the validity of the act should be upheld; for example, if the parish priest, at the request of Sempronio, allows another priest to be present at the marriage, and that priest, unaware of both the concession and the request, is present." In the aforementioned place, section 225, note 27, page 212.

[*Latin ed. p. 293*]

Secretariat of State. 293 Having considered and diligently pondered all these matters, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, decree, declare, and definitively pronounce that there is no ground for declaring the marriage between George Türk and German Jallu null, or, responding to the proposed doubt, we answer Negatively; and therefore, We annul the sentence of the Tribunal of Dijon and declare it to be annulled, and We

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confirm the sentence of the Metropolitan Tribunal of Lyons. Furthermore, We decree that German Jallu shall be held liable for the judicial expenses, up to the sum specified in the Decree of the Reverend Prelate concerning the reduction of expenses. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, of the Council of Trent; employing those executive and coercive means which shall be most effective and appropriate for the circumstances. Rome, on the 20th of January, 1911. William Sebastiani. Seraphinus Mani, Prefect. Francis Heiner. L. © S. Sac. Tancredes Tani, Notary. LETTER TO THE REVEREND CANON THOMAS, PARISH PRIEST OF THE CHURCH "DE NOTRE DAME" IN THE CITY OF DIJON, CONCERNING THREE VOLUMES ON THE CONCORDAT OF THE YEAR 1516 BETWEEN POPE LEO X AND KING FRANCIS I OF FRANCE, PRESENTED FOR THE VENERATION OF HIS HOLINESS. Monsieur le Curé, The Holy Father was very pleased with the tribute that you have made to him with your work on the concordat concluded in 1516 between Pope Leo X and King Francis I of France. In these three volumes, the fruit of numerous researches and considerable labor, you have treated your subject with all diligence.

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis. - Official Commentary. which it contained, and especially with the noble intention, most worthy of a priestly soul, of highlighting the divine constitution of the Church, founded by Our Lord Jesus Christ upon Peter and his Successors. The Supreme Pontiff congratulates you for having conceived and successfully completed this great work amidst the incessant occupations of your ministry. Therefore, with all her heart, His Holiness grants you the Apostolic Blessing. With my thanks for the copy that you have presented to me, I beg you, Reverend Father, to accept the expression of my devoted sentiments in Our Lord. Rome, 29 April 1911. R. Card. MERRYDELVAL. ON THE AUTHOR, HISTORICAL CRITERIA, AND THE TIME OF COMPOSITION OF THE GOSPEL ACCORDING TO MATTHEW. The Pontifical Commission "de re Biblica" decided to respond to the following questions in this manner: I. Whether, considering the universal and constant consensus of the Church from the earliest centuries, which is clearly demonstrated by the testimonies of the Fathers, the inscriptions on the Gospels, the versions of the sacred books, the most ancient catalogues transmitted by the Holy Fathers, by ecclesiastical writers, by the Supreme Pontiffs, and by the Councils, and finally, by the liturgical usage of the Eastern and Western Church, it can and should be affirmed with certainty that Matthew, the Apostle of Christ, is truly the author of the Gospel commonly attributed to him? Answer: Affirmative. II. Whether it should be considered sufficient to rely on the support of

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tradition for the opinion that holds that Matthew and the other Evangelists preceded in writing, and that the first Gospel was written in the vernacular language used by the Palestinian Jews at that time, to whom that work was addressed? Answer: Affirmative to both parts.

[*Latin ed. p. 295*]

Pontifical Commission on Biblical Matters. 295 III. Whether the redaction of this original text can be postponed beyond the time of the destruction of Jerusalem, so that the prophecies which are read therein concerning that same destruction were written after the event; or, as is commonly alleged, whether the testimony of Irenaeus (Against Heresies, Book III, Chapter I, paragraph 2), which is uncertain and of controversial interpretation, should be considered of such weight as to compel us to reject the opinion of those who believe that the same redaction was completed even before the arrival of Paul in the City? Answer: Negatively in both cases. IV. Whether it can be maintained, or at least considered probable, according to the opinion of some moderns, that Matthew did not properly and strictly compose the Gospel as it has been handed down to us, but rather a certain collection of the words or sermons of Christ, which another anonymous author used as sources, and who is considered the author of the Gospel itself? Answer: Negatively. V. Whether it can certainly be proven, even for those who expressly state that Matthew the Apostle wrote in the vernacular, that the Greek text of the Gospel known under the name of Matthew, which has been used by the Fathers and ecclesiastical writers, and indeed by the Church itself from its very beginnings, as canonical, is identical in substance with that Gospel written by the same Apostle in the vernacular? Answer: Affirmatively. VI. Whether it can be inferred from the fact that the author of the first Gospel pursues a primarily dogmatic and apologetic purpose, namely, to demonstrate to the Jews that Jesus is the Messiah foretold by the prophets and descended from the Davidic lineage, and that furthermore, in arranging the events and sayings which he narrates and recounts, he does not always observe chronological order, that it is not to be received as true; or whether it can be affirmed that the accounts of the deeds and sayings of Christ which are read in the very Gospel have undergone some alteration and adaptation under the influence of the prophecies of the Old Testament and the mature state of the Church, and are therefore not in conformity with historical truth? Answer: Negatively in both cases. VII. Whether, especially those opinions which lack a solid foundation, should be considered to be rightly rejected, which cast doubt on the historical authenticity of the two first chapters, in which are found the genealogy and the infancy of Christ.

[*Latin ed. p. 296*]

Acts of the Apostolic See. - Official Commentary. 296 relate, as do certain

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opinions of great importance in matters of dogma, such as those concerning the primacy of Peter (Matthew, XVI, 17-19), the form of baptism with the universal mission of preaching entrusted to the Apostles (Matthew, XXVIII, 19-20), the profession of faith of the Apostles in the divinity of Christ (Matthew, XIV, 33), and others of a similar nature, which occur in Matthew in a particular manner? Answer: Affirmative. On June 19, 1911, in an audience granted by the Most Holy Pope Pius X to both of the undersigned esteemed Consultors from the Acts, the aforementioned answers were approved and ordered to be made public. In Rome, on June 19, 1911. Fulcranus Vigouroux, Pr. S. S. Laurentius Janssens, O. S. B. Consultors from the Acts. THE RATIO OF CANDIDATES FOR OBTAINING THE ACADEMIC DEGREE IN SACRED SCRIPTURE. PART TWO. CONCERNING THE EXAMINATIONS THEMSELVES. CHAPTER I. REGARDING THE PROMOTION. ARTICLE I. - CONCERNING THE DATES AND TIMES WHEN CANDIDATES MUST PRESENT THEMSELVES FOR EXAMINATION. 1. For candidates seeking promotion, as well as for the Laurea, there are two sessions of judges, in the month of November and in the month of June, that is, at the beginning and end of the academic year. 2. Candidates shall present their petition to the esteemed Consultors from the Acts, and indeed before the end of the month of June, those who wish to take the examination in the first session, and before the end of April, those who wish to take it in the second. 3. In the petition, the candidate, in addition to his name, surname, and domicile, shall also indicate where and on what date he was promoted to the priesthood, and where and on what date he obtained the Laurea in Sacred Theology.

[*Latin ed. p. 297*]

The Pontifical Commission for Biblical Matters shall add to these letters of recommendation the endorsement of the Ordinary, or, if the applicant belongs to a religious order or institute, the signature of the superior. The Pontifical Commission reserves the right to examine these documents. 4. The candidates are duly informed in good time of the days designated for the examinations.

ARTICLE II. - OF THE LANGUAGE TO BE USED IN THE EXAMINATIONS. The examinations for those seeking the degree of Prolytate, as well as for those seeking the degree of Laureate, shall be conducted in Latin; unless another language is permitted.

ARTICLE III. - OF THE WRITTEN EXAMINATIONS.

1. The written examination shall include: a) A exegetical dissertation on a passage from the Gospels or the Acts; b) A written essay on a topic from biblical history, according to the list of subjects provided in the attached sheet; c) A written essay on a topic from a general or special introduction,

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also assigned in the same sheet. Two and a half hours are allotted for the completion of these two essays; six hours are allotted for the dissertation, to which, therefore, double weight is assigned.

2. The dissertation and essays must be completed without the aid of any books, except for the text of Scripture and concordances, a copy of which is provided to each candidate by the Commission, but only for the exegetical dissertation.

3. With regard to the manner in which the exegetical argument should be treated, considerable freedom is left to the candidates. However, they should be aware that a certain rhetorical embellishment is not required; rather, a treatment that is sound in knowledge and reason, which clearly presents the literal exposition of the proposed text, along with doctrinal conclusions, comparison of similar passages, interpretation of the principal variant readings, explanation of antilogies that may occur either between the text and the versions, or between the expressions of the same text.

ARTICLE IV. - OF THE ORAL EXAMINATIONS.

1. The candidate must interpret, orally, one or more passages from the Gospels, the Acts, the Epistle to the Romans, and the Second Epistle to the Corinthians in Greek, and one or more passages from the books of Kings in Hebrew. Furthermore, the candidate will be questioned on the History of the Old and New Testaments; on the special introduction; on questions of the general introduction, as assigned in the aforementioned list; and, at the discretion of the examiners, on a topic developed in the written essays.

2. The oral examination consists of two hours, that is, half an hour for the Greek portion and half an hour for the Hebrew portion, and three twenty-minute segments for the other portion.

[*Latin ed. p. 298*]

Acta Apostolicae Sedis. – Official Commentary. ARTICLE V. – CONCERNING THE GRADES AWARDED AND THE CONDITIONS REQUIRED FOR SUCCESS. 1. An equal number of points, namely twenty, is assigned to each part of both examinations; however, the points in the Hebrew and Greek language examinations, as well as in the exegetical dissertation, have double value. 2. The Candidate shall know that he has sufficiently proven himself in that subject matter in which he has obtained twelve points. 3. For a successful outcome of both examinations, it is required that the Candidate answer correctly, according to the standard described above, in each subject matter. 4. He who has not reached this standard in each subject matter of the examination is not admitted to the oral examination. 5. He who has achieved a successful outcome in the written examination, even if he fails in the oral examination, is not required to repeat the written examination. 6. No one is obliged to repeat

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the examination in that subject matter in which he obtained sixteen points, unless he has failed in more than two subjects, or in two subjects which pertain to the same part of the examination, namely, both the Hebrew and Greek languages, or in other subjects of the examination. 7. He who, in a repeated examination, whether written or oral, fails again, shall never be permitted to attempt it again. However, it is not permitted to repeat the examination except in the following session, unless special permission is obtained from the Most Eminent Cardinal President. 8. He who has proven himself in both examinations in such a way that, after the distribution of points, he has obtained three-quarters of the total, acquires the right to an honorable mention. ARTICLE VI. – CONCERNING THE EXPENSES TO BE PAID BY THE CANDIDATES. 1. Candidates are required to pay a sum of one hundred and twenty livres before the examination, namely, one hundred for the examination itself and twenty for the diploma and other necessary expenses. 2. To those Candidates for whom the examination was not successful, the sum of seventy livres will be returned; but if they have performed sufficiently well in the written examination, only twenty livres will be returned to them. 3. Those who attempt the oral examination again, either in its entirety or in part, must pay twenty livres for the diploma and other expenses, and in addition, ten livres for each subject matter of the examination.

[*Latin ed. p. 299*]

Pontifical Commission for Biblical Studies. CHAPTER II. REGARDING THE DEFENSE. ARTICLE I. - OF CONDITIONS TO BE OBSERVED. 1. Unless there are entirely special reasons, which it is the right of the Commission to determine, the time for the defense, so that the thesis may be prepared more thoroughly, must be at least two years from the preliminary examination. 2. When the Candidate submits his name to the Reverend Secretary, he must also indicate the title and a general outline of his doctoral thesis, as well as the language in which he intends to write it. 3. He must also indicate: a) the book or books, both of the Old and New Testaments, whose exegesis he intends to prepare, according to the aforementioned list of subjects; - b) furthermore, which Oriental language he has chosen for the examination, and concerning which texts he wishes to be questioned. The languages permitted are: Syriac, Assyrian, Arabic, Ethiopian, Coptic, and ancient Egyptian. NOTE. - The material for the examination in languages must be sufficiently extensive, and should preferably consist for the greater part of texts outside the biblical text. The choice of the subject matter is up to the Candidate, provided that it is of sufficient scope and receives the approval of the Reverend Consultors. 4. The Reverend Secretary will inform the Candidate whether the Commission approves the subject matter of the thesis and any other proposed topics, and what observations it may have made or what changes it may suggest. 5. The Candidate himself

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must promptly send at least fifteen copies of his thesis, either printed by type, lithography, or other mechanical means, so that, in addition to the Most Reverend Cardinals assigned to the Pontifical Commission, as many Reverend Consultors as wish to participate in the defense may each receive one copy. 6. After the thesis has been submitted to the examination of the judges, and has been approved by a majority of votes, the Reverend Secretary, after consulting with the Reverend Consultors, will arrange with the Candidate the date for the examination and the defense of the thesis. ARTICLE II. - OF THE EXAMINATION AND THE DEFENSE OF THE THESIS. 1. The examination consists of two parts: a preliminary part, and a more formal part. 2. The preliminary examination, which is of a technical nature, is divided into two sections. The Candidate will be questioned: a) about the Oriental language...

[*Latin ed. p. 300*]

300 Acta Apostolicae Sedis. - Official Commentary. (regarding) that which it has chosen; - b) concerning books of the Old or New Testament which it has proposed, as well as concerning notions pertaining to critical and patristic matters, according to the attached index. All of these examinations are held in the public hall, so that those who wish may attend them. 3. The more solemn examination comprises two parts equally: the public reading to be given by the candidate, and the defense of the thesis itself. a) The public reading must be given on a subject chosen by the judges from the books of both Testaments proposed by the candidate himself, or on questions of a critical or patristic nature described in the attached index. The candidate is granted one hour to prepare for this reading. After the reading, which must not exceed fifteen or twenty minutes, the judges will question the candidate, either about the subject of the reading, or about related questions, provided that they do not exceed the scope of the index. b) The defense of the thesis is preceded by a clear, concise, and, as much as possible, complete exposition of the subject, which must never exceed one hour. Then, three of the judges will, by office, challenge the thesis. After these, other Reverend Consultors may also raise questions. The duration of each part of the examination is not defined. However, it is advisable that an interval of one day be observed between them. 4. After the defense of the thesis, the judges meet to deliberate among themselves regarding the admission of the candidate. The outcome of this deliberation is communicated to the candidate the following day by the Reverend Secretary. ARTICLE III. - OF THE EXPENSES TO BE PAID BY THE CANDIDATE. 1. The candidate must pay three hundred florins for the license, namely, half of the sum when he submits his doctoral thesis, and the other half before he undertakes its defense. 2. However, this second part is not to be paid unless the thesis has already been accepted. If the defense of the thesis is unsuccessful, fifty florins will be returned to

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the candidate. This second part, "for the endangerment of the doctrine of the Candidates for academic degrees in Holy Scripture," was approved by His Holiness Pope Pius X, as granted in a hearing by the Reverend DD. Consultors on May 24, 1911. Fulcranus Vigouroux, Pr. S. S. Lawrence Janssens, O. S. B. Consultors, according to the records.

[*Latin ed. p. 301*]

Diary of the Roman Curia. 301 DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On the 13th day of the current month of June, in the Apostolic Palace of the Vatican, the Preparatory Congregation of the Sacred Rites concerning the heroic degree of the virtues of the Venerable Servant of God, Benedicta Rencurel, of the Third Order of St. Dominic, was held.

SECRETARY OF STATE. PONTIFICAL EXTRAORDINARY MISSION FOR THE CROWNING OF HIS MAJESTY GEORGE V, KING OF ENGLAND.

Most Reverend and Reverend Monsignor Gennaro Granito Pignatelli di Belmonte, titular Archbishop of Edessa, Special Extraordinary Envoy.

Reverend Monsignor Eugenio Pacelli, Domestic Prelate of His Holiness, Under-Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, Counselor.

Signor Conte Stanislao Medolago Albani, Secret Chamberlain of Sword and Cape, Supernumerary of His Holiness, President of the Social Economic Union.

Signor Conte Francesco Bezzi, Noble Guard of His Holiness.

BY NOMINATION.

The Holy Father, with a note from the Secretary of State, deigned to appoint:

June 3, 1911.

— The Most Reverend Cardinal Francesco di Paola Cassetta, Prefect of the Sacred Congregation of Studies.

[*Latin ed. p. 302*]

Acta Apostolicae Sedis. - Official Commentary. 302 By means of a letter and a Brief from the Secretariat of State, His Holiness deigned to appoint: Apostolic Protonotaries, as if participating: May 23, 1911. — The Reverend Giuseppe Pfluger, canon of the Metropolitan Church and General Vicar of the archdiocese of Vienne. Domestic Prelates of His Holiness: May 23, 1911. — The Reverend Arnold Cornelio Francesco Mutsaers, of the diocese of Bois-le-Duc. May 24. — The Reverend Giuseppe Perier, General Vicar of the diocese of Concordia (United States of America); — The Reverend Giuseppe Roller, Vice-Rector of the Metropolitan Church of Vienne. May

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27 — The Reverend Giacomo F. Mooney, Rector of the diocesan seminary of Newark; — The Reverend Luigi Stecher, Rector of the Church of Saint Peter in Newark. HONORS His Holiness, by means of a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Order of Saint Sylvester, with insignia: March 22, 1911. — To Mr. Giuseppe Agostino Antonio Mutsaers, of the archdiocese of Utrecht. The Order of Saint Gregory the Great, civil class: May 20, 1911. — To Mr. Federico de Schlutius, Government Counselor, of the archdiocese of Colonia. May 27. — To Mr. Cavaliere Ragioniere Luigi Petacci, Head Accountant of the Holy Congregation for the Propagation of the Faith. May 29. — To Mr. Conte Filippo de Witten, official of the Holy Congregation for the Propagation of the Faith; — To Mr. Avv. Francesco Sirani, official of the Holy Congregation for the Propagation of the Faith. May 30: — To Mr. Dott. Pio dei Conti Meyer, of Leysin. June 8, 1911. — To Mr. Cavaliere M.° Filippo Capocci, of Rome.

[*Latin ed. p. 303*]

Diary of the Roman Curia. 303 The Knighthood of the Order of St. Gregory the Great, civil class: May 22, 1911. – To Mr. Bernardo Giov. Antonio Jamez, of the diocese of Bois-le-Duc. June 7, 1911. – To Mr. Clemente Van-Caillie, Notary in Bruges; – To Mr. Desiderio Sehäffer, Attorney, of the diocese of Csanád. The Knighthood of the Order of St. Gregory the Great, military class: June 1, 1911. – To Mr. Giovanni Battista Durocher, former Papal Zouave, of the diocese of Sherbrooke. The Knighthood of the Order of St. Sylvester the Pope: May 27, 1911. – To Mr. Enrico Antonio Dubois; – To Mr. Guglielmo Giorgio Sired. May 30. – To Mr. Fernando Neuray, Vice-President of the Association of Catholic Journalists in Brussels; – To Mr. Carlo Lybaert, Chief Editor of the "Fondsenblad" in Ghent. June 7, 1911. – To Mr. Doctor Pietro Clerico, of Turin. June 9. – To Mr. Romano Zordan, of the diocese of Padua. BY THE GRACE OF HIS HOLINESS: The Holiness of our Lord, through a letter from His Excellency, Monsignor Maggiordomo, has deigned to appoint: Honorary Secret Chamberlains: June 13, 1911. – Monsignor Ermanno Kulisch, of the diocese of Premislia; – Monsignor Felice Swierczynski, of the same diocese; – Monsignor Davide Rossi, of the archdiocese of Milan; – Monsignor Pietro del Prete, of the diocese of Calvi; – Monsignor Paolo Emilio Moinhos de Vilhena, of the diocese of Campanti; – Monsignor Aristide Magni, of the archdiocese of Bologna.

[*Latin ed. p. 304*]

304 Acta Apostolicae Sedis. - Commentarium Officiale. — The Reverend Monsignor Gaudenzio Prinetti, of the archdiocese of Vercelli; — The Reverend Monsignor Tommaso Trussoni, of the diocese of Gomo; — The Reverend Monsignor Giovanni Battista Gianera, of the same diocese; — The Reverend Monsignor Tommaso Verga, of the same diocese. Chaplains of honor in violet attire: June 13, 1911. — The Reverend Monsignor Romolo

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Del Duca, of Rome. — The Reverend Monsignor Giovanni Avril, of the archdiocese of Lione. Secret chaplains of honor, with sword and mantle, extraordinary: May 27, 1911. — The Very Reverend Viscount Giovanni de Masin, of the diocese of Autun; — The Very Reverend Mr. Carlo Sipaylìo, of the diocese of Minsk. Chaplain of honor, with sword and mantle, extraordinary: June 13, 1911. — The Very Reverend Mr. Michele Girdwoyn, of the diocese of Samogizia. Secret chaplains of honor: June 13, 1911. — The Reverend Monsignor Abondio Ballerini, of the diocese of Como; — The Reverend Monsignor Pietro Maiolani, of the same diocese; — The Reverend Monsignor Costantino Corticelli, of the same diocese; — The Reverend Monsignor Giuseppe Schmith. NECROLOGY: February 21, 1911. — The Most Reverend Monsignor Atenogene Silva, Archbishop of Mechoacán (Mexico). June 9, 1911. — The Most Reverend Monsignor Guglielmo Gordon, Bishop of Leeds (England).

[*Latin ed. p. 305*]

Year III. - Volume III. July 12, 1911. No. 9. OFFICIAL COMMENTARY OF THE APOTOLIC SEE. DECREES OF POPE PIUS X. BY PAPAL ACT, CONCERNING FEAST DAYS. The Supreme Guardians and Moderators of the Ecclesiastical Discipline, the Pontiffs of Rome, having, when it seemed opportune for the good of the Christian people, benevolently relaxed the sanctions of the sacred canons, We, likewise, as We have already done in other matters, considering that the times and the conditions of civil society are changing, deem it opportune to adapt, in the present ecclesiastical law concerning feast days to be observed, to the circumstances of the age. For, indeed, the vast spaces of land and sea are now traversed by men with remarkable speed, and it is easier and more expeditious for them to reach those nations for whom the number of prescribed feast days is smaller. Furthermore, commerce, and the transactions of various businesses, are seen to be hindered by the frequent interruption of feast days. Finally, the increasing daily rise in the price of necessities adds to the urgency, and often the services and labors of those who earn their livelihood by work are interrupted. For these reasons, earnest prayers have been addressed to the Holy See, especially in these recent times, that the number of feast days to be observed might be reduced. ACTA, vol. III, no. 9. - July 12, 1911. 22.

[*Latin ed. p. 306*]

Acts of the Apostolic See. - Official Commentary. 306. Considering those things which are pleasing to Us, who have a sincere desire for the salvation of Christian peoples, it seemed most fitting to establish certain days to be observed from the mandates of the Church. Therefore, through Our Motu Proprio and mature deliberation, and with the counsel of Our Venerable Brothers, the Most Reverend Cardinals who are charged with reducing the laws of the Church into a Code, We declare the following concerning the

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days to be observed:

I. The days subject to the ecclesiastical precept of hearing Holy Mass and abstaining from servile works are those which follow: All and each Sundays, the feasts of the Nativity, Circumcision, Epiphany, and Ascension of Our Lord Jesus Christ, the Immaculate Conception, and the Assumption of the Blessed Virgin Mary, the Mother of God, the feasts of the Apostles Saints Peter and Paul, and, finally, the feast of All Saints.

II. The feasts of Saint Joseph, Spouse of the Blessed Virgin Mary, and the Nativity of Saint John the Baptist, each with its octave, shall be celebrated, both in the proper place and time, on the Sunday nearest the nineteenth of March, unless the nineteenth of March falls on a Sunday; in that case, the feast shall be celebrated on that day; the other shall be celebrated on the Sunday preceding the feast of the Apostles Saints Peter and Paul. The feast of the Most Holy Body of Christ, together with its privileged octave, shall be celebrated on the Sunday after the Most Holy Trinity, both in the proper place and time, with the understanding that the feast of the Sacred Heart of Jesus shall be observed on the sixth day of the week within the octave.

III. The days of the feasts of the Patrons are not subject to the ecclesiastical precept mentioned above. However, the Ordinary of a place may transfer the external solemnity to the next following Sunday.

IV. If any of the feasts listed have been legitimately abolished or transferred, nothing shall be innovated without the consultation of the Apostolic See. If, however, in any nation or region, a Bishop deems it desirable to preserve any of the abolished feasts, let him refer the matter to the Holy See.

V. If any of the feasts to be observed should fall on a day consecrated to abstinence or fasting, both shall be observed.

[*Latin ed. p. 307*]

We publish the acts of Pope Pius X; and We grant, also, the same dispensation for the feasts of the Patron Saints, which Our law has abolished, provided that they may be celebrated solemnly and with a large gathering of the people. Giving thus a new example of Our Apostolic concern, We are certain that all the faithful, even on those days which We now remove from the list of obligatory feast days, will demonstrate their piety towards God and their veneration for the Saints, no less than before, and that they will observe the precept with greater diligence than before on the other feast days which remain to be observed in the Church. All things to the contrary, even if of a special and individually deserving nature, notwithstanding. Given at Rome, at St. Peter's, on the second day of the month of July, in the eighth year of Our Pontificate. PIUS PP. X.

II. MOTU PROPRIO CONCERNING THE ERECTION OF A NEW SHRINE IN THE TERRITORY OF NETTUNO FOR THE SPIRITUAL

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ASSISTANCE OF THE POPULATION. In the vast territory which extends within the Parish of Nettuno, of the Suburbicarian Diocese of Albano, and in other Parishes of the Dioceses of Ostia and Terracina, new inhabitants are arriving daily, due to the cultivation of the fields and the growing industries, who, dispersed over great distances from the parish churches, encounter serious difficulties in fulfilling their religious duties, and are in need of the necessary spiritual assistance. Now, in order to provide for the urgent needs of these Our children, with the full consent of the Most Reverend Cardinal Bishop of Albano, who is also persuaded of the necessity of an extraordinary measure, with a Brief of January 14th, We have requested the Religious Passionists, who have a Convent in the Parish of Nettuno, to undertake the care of those souls.

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis. - Commentarium Officiale. To serve and contain that dispersed population, the small sanctuary adjacent to the convent, in which the wondrous image of Mary of Sina of Grace is venerated, a sanctuary which, since 1884, was ceded by the Most Reverend Chapter of the Collegiate Church and by the Confraternity of the Most Holy Sacrament to the aforementioned Passionist Fathers, on June 3rd of the current year, we purchased from the same Fathers, in the name of the Holy Apostolic See and in the presence of the Reverend Father Severino Urbani, two thousand square meters of land upon which to erect a new church, which, with God's help and through the alms, especially of the good citizens of Nettuno, so devoted to the Virgin, we hope to see completed soon. To obviate the difficulties that might arise, both for the administration of the church and for the care of souls, confirming what we established in the Brief of January 14th of the past year, and bearing in mind what was agreed upon in the deed of cession of April 8th, 1884, and subsequently in the agreement between the Reverend Chapter of the Collegiate Church of Nettuno and the venerable Congregation of the Passionists, approved on February 20th, 1909, we establish and confirm: 1.° That the new sanctuary, of absolute property of the Holy See, is entrusted to the Reverend Passionist Fathers, who, while immediately subject to the Holy See, will enjoy all the privileges granted to them by the bull of approval "Supremi Apostolatus," and especially regarding the faculty of begging; 2.° That the Fathers, appointed by the Superiors of the Order to administer the sanctuary and to care for souls, before exercising their office, must present their credentials of confession to the Most Reverend Cardinal Bishop of Albano, who will give the appropriate instructions to his Curia so that they may be given each year the Holy Oils for the Anointing of the Sick and for Baptism; 3.° That the Fathers are obligated to hold, in the sanctuary and in at least four chapels scattered throughout the countryside, the explanation of the Holy Gospel and the catechism for the people, on all Sundays and feast days, celebrating

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the Holy Mass in the four chapels.

[*Latin ed. p. 309*]

Acta Pii PP. X. 309, 4 v°: That the Fathers, exercising the regular office of the Sanctuary at times other than those of the ordinary functions in the Collegiate Church of Nettuno, shall have custody of the images of the Most Holy Virgin of Grace, and of Saint Sebastian and Saint Roch, with the right, however, for the clergy of the Collegiate Church: a) to celebrate the Triduum of preparation for the feast of the Most Holy Virgin, which takes place on the first Sunday of May, and b) to carry processionally within the Collegiate Church each year these sacred images, that is, the image of the Most Holy Virgin on the Saturday preceding the first Sunday of May, and those of Saint Roch and Saint Sebastian on the evening of August 15th, with the obligation to return them respectively on the second Sunday of May and on the Sunday following August 15th; 5.° That of the wax offered by the faithful on the occasion of these processions, after the octave of the Madonna has ended, and within the month of August, any that remains shall be returned to the Sanctuary; 6.° That all offerings made to the Sanctuary shall be administered, according to the intention of the donors, by the Religious, who shall render an account each year to the Holy See, and shall also keep the votive gifts in the so-called treasury chest located in the Convent, guaranteeing all the objects, which shall be described in duplicate, one copy to be kept by the Religious, the other by the Reverend Archpriest of the Collegiate Church; 7.° That for the administration of Baptism, especially in the rural chapels, for the convenience of the Fathers, there shall be in the Sanctuary a marble font, locked and properly adorned, in which water shall be kept, which the Fathers themselves shall take from the baptismal font of Nettuno on the two Saturdays preceding Easter Sunday and Pentecost Sunday; 8.° That the Religious shall perform the funerals and accompany the bodies to the cemetery whenever the respective parish priests are unable to do so, to whom, in such cases, the customary funeral offering shall be given; 9.° That at the end of each year, the Religious shall provide to the parish offices a record of those Baptized, those who have died, and those who have been married.

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis. - Official Commentary. They are performed, with the authorization implored and obtained in every case from their respective Parish Priests. We have minutely mentioned all these functions in order to remove any discrepancy that might arise concerning asserted rights or neglected duties. Assured, moreover, that both the Priests of Nettuno and of the other neighboring Parishes, as well as the Passionist Religious, in a loving agreement among themselves, will have nothing in mind but the spiritual well-being of souls, we impart to all of you our Apostolic

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Blessing. From the Vatican, June 28, 1911. PIUS PP. X.

LETTER I. TO THE MOST REVEREND CARDINAL JOAGHIM ARCOVERDE DE ALBUQUERQUE CAVALCANTI, ARCHBISHOP OF S. SEBASTIAN OF FLUMINIS, AND TO OTHER ARCHBISHOPS AND BISHOPS OF BRASILIA WHO ATTENDED THE MEETING IN PAULOPOLIS.

Beloved Son and Venerable Brothers, greetings and Apostolic Blessing.

You recently sent us letters from the Congress held in Paulopolis, which were all the more pleasing to us, inasmuch as they clearly demonstrated your devotion to the Chair of Peter and your piety towards us, filled with dutiful respect. Both are evident to the highest degree, whether you recall the benefits that have recently flowed from the Apostolic See to your countries, benefits that are certainly not few nor obscure; or whether you wish to express the concerns that hold our mind intensely, due to the vehement opposition to Catholic institutions; or finally, whether you wish to celebrate the joyful events that bring progress to the Catholic name and to the condition of your Churches.

We have received the latter, beloved Son and Venerable Brothers, with particular joy. As those entrusted with governing the Church of Christ by divine providence, we are filled with joy, and we ardently desire, with the best of fraternal and filial affection, that the Church...

[*Latin ed. p. 311*]

We see the work of the Most Reverend Fathers flourishing, and the virtues of Christians increasing. Indeed, we are most pleased to learn of the Church in Brazil, which promises great things, and we desire that it may progress with swift steps to an even happier state. This will happen more readily if, pursuing the plans that you have outlined in the aforementioned assembly, you devote your efforts, above all, to those matters which most effectively strengthen the faith among you, and to promoting it more widely. We wish to know about the proper training and governance of the clergy, and about the establishment and development, among you, of those Catholic institutions commonly known as the "Catholic Action." You have many excellent provisions on this matter in the acts of the Plenary Council of Latin America, the diligence of which we commend most highly. But since the matters we have mentioned are of such importance, and require so much of our attention and your efforts in this present time, we wish to offer some brief observations, so that our encouragement may illuminate your endeavors.

Regarding the discipline of the clergy, beloved Son and Venerable Brothers, take care that the students of the sacred orders are properly instructed in goodness, discipline, and knowledge. They must, above all, become accustomed to the yoke of the Lord, strive for perfection, and burn with a de-

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sire for the salvation of their neighbors. Furthermore, they must not neglect those aids to learning which are most necessary in our time, whether for refuting errors or for defending and spreading revealed truths with greater fruitfulness. After the young men have been advanced to the priesthood, they must not indulge in idleness, nor involve themselves in worldly affairs; rather, under the guidance and direction of older priests, and especially of the Curia, they must apply themselves to the practice of piety and the instruction of the faithful, using the resources that they have acquired in the seminaries.

Finally, so that, with the passage of time, their hearts may not become soiled with human dust, or forget those excellent disciplines which they have acquired through much effort and study, prudent care must be provided by the Bishops to assist the clergy, so that they may be suitably encouraged both in holiness and in the renewal of doctrine, especially sacred doctrine. And with regard to the former, we especially desire that all your clergy, with you leading the way, should devote themselves repeatedly to spiritual exercises. You know, beloved Son and Venerable Brothers, that such pious exercises, if properly attended, have a wonderfully effective and salutary effect in fostering the virtues that are proper to their order. For in meditation, the divine fire burns more brightly, and the Lord speaks to the heart of the one who,

[*Latin ed. p. 312*]

Acts of the Apostolic See. - Official Commentary. To all matters, having withdrawn, he retires into solitude, that he may contemplate the days of old and the ages eternal. Furthermore, all these things, and many others suitable for the proper instruction of clerics, you will find in our Exhortation to the Catholic Clergy. This document, in which our heart has been opened to all sacred ministers, should be frequently recalled and celebrated by you, concerning the clerics whom you have among you. Let each of you understand this thoroughly and keep it in mind: if you have found that the clergy are such as to follow the instructions which we have given in the aforementioned Exhortation, you will certainly feel that your pastoral cares are alleviated, and that they become much more fruitful through the abundance of inquiries. As for the other aspect of pastoral care, which concerns the nature of the social action of Catholics, and the norms to be observed so that it may be more beneficial to society, you have received this from the encyclical letters of our predecessor, the most reverend Leo XIII, *Quod Apostolici Muneris*, *Rerum Novarum*, and *Graves de Communi*; and the doctrine and precepts of all these, collected and arranged together, you have in the Motu Proprio which we issued on December 18, 1903, for the guidance of Christian popular action. Indeed, each of you, in this matter, can draw light from the very encyclical letters, *Il Fermo Proposito*, which we issued on June 12, 1905, to the Bishops of Italy, so

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that the same action may be carried out more widely among the Italians and more safely. Furthermore, this Catholic social action, beloved sons and venerable brothers, you must strive to promote with the greatest effort in your countries, for the reasons of the times show that such associations and social works are of the utmost importance; Christian charity compels us to help one another, with the understanding that the eternal salvation of souls must be the primary concern, and that we must not neglect those things which are useful and helpful in life; the reasons of the Christian people cry out and clamor loudly, being called daily to greater and greater distress by the evils of the designs of wicked men. It is necessary to help them promptly, lest, surrounded by malice, poverty, and dangers, they fall into the clutches of socialists, and miserably fall away from religion and faith. We would like to add one thing that will be of great benefit to the training of clerics and the promotion of popular action. You are certainly not unaware, beloved sons and venerable brothers, of how much influence is exerted, for good or for evil, by ephemeral publications and similar things, which, although they appear on the page for a short time, are easily accessible to everyone, and whose opinions are widely disseminated: and you yourselves see how wickedly they are used today by the impious. Therefore, we also desire that your pastoral care should be diligently directed in this matter, so that you may provide the best pastures for your best flocks.

[*Latin ed. p. 313*]

From the Acts of Pope Pius X, page 313: "Indeed, among you, Catholic men, there are those outstanding in doctrine and virtue. The task of writing [for this publication] will be demanded of them, and it is to be undertaken under your auspices: with prudence, with charity, and, for those who are in charge, with obedience, which are fitting for those who undertake to safeguard the most sacred rights. After the Catholic daily [newspaper] has appeared, let it not be given only to the hands of the good; but let it be ensured that it be disseminated as widely as possible, reaching all, especially those whom Christian charity desires to draw back from the corrupt sources of scandalous publications. Thus, it will certainly be the case that, for those who seek the Kingdom of God and its justice, even these, with the help of the arts of printing, will cooperate for the good. Therefore, beloved sons and venerable brothers, these are the things to which we especially wish you to dedicate your efforts. If, which we do not doubt, you are burdened with the most serious considerations in these times, let the clergy make use of those who are the salt of the earth and the light of the world: let their studies be joined with the studies of outstanding laymen who dedicate themselves to public action; and thus, with the multiplication of human and material resources, the virtues and praises of Christianity will flourish in your flocks, and you will rejoice as those who rejoice in the harvest."

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May the Apostolic Blessing, which is a testimony of the favorable and most benevolent auspices of things, be granted to you, beloved sons and venerable brothers, to the clergy, and to all your people, which we impart with paternal affection.

Given in Rome, at St. Peter's, on the 18th of December, 1909, in the eighth year of Our Pontificate.

PIUS PP. X.

To the Most Reverend Father Gregory, Cardinal Aguirre, Archbishop of TOLETANUM, concerning the Eucharistic Gathering in MATRITI.

Beloved son, greetings and the Apostolic Blessing.

Since Catholics from all parts of the world are about to gather in Matritum to celebrate a solemn Eucharistic gathering, with you, Our Legate, presiding, we hear with great pleasure: and since we have observed the ardor of your people for religion and the Faith, we believe that it is not difficult to foresee that the honors that will be rendered to the august Sacrament among you will be of singular magnificence. Indeed, in no matter pertaining to the Catholic profession, does it befit the people...

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis. - Official Commentary. No one in Hispaniae should surpass others, for it is not fitting for all to excel in the worship of Our Lord, who dwells with us under the mystical veils: for the proper ornament of Hispaniae is that man who, through his outstanding devotion to this Sacrament, was made the heavenly patron of Eucharistic gatherings and societies, Paschalis Baylon. Indeed, we desire that this assembly be ennobled not only by the frequency of those who gather or the splendor of the ceremonies, but also, and above all, by the abundance of its fruits. For your plans should be directed entirely towards that which is the primary concern of Our thoughts, namely, to lead men to a greater knowledge, love, and practice of Jesus Christ. You yourselves understand that all things are contained in the pious and religious communion of the Sacrament; and for that reason, it is necessary, above all, that among Christians, not only those of adult age, but also all who are of rational age, the frequent, and indeed daily, use of the Eucharist should increase. Therefore, first of all, you will have before your minds those things which are most important in this regard, from the most recent acts of the Apostolic See, that is, the illustrious Encyclical Letters *Mirae caritatis* of Our Predecessor, and both of Our Decrees, the Sacred Council of Trent and *Quam singulari*, so that you may consider by what means the entire Catholic world may more fully and happily achieve their purpose. Furthermore, it will be the duty of your diligence and piety to spread more widely, and to foster, whatever salutary institutions have been established for the common good regarding the

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Eucharist. We greatly approve of what is customary in many places, that on no Sunday or festive day is there a church or chapel of either clergy where the Sacrament is not exposed for benediction, and we know that it is very desirable to us that this practice be introduced in other dioceses. You will also greatly please Us if you promote frequent greetings, perpetual adorations, and solemn supplications to the ever-watchful God who cares for you in every way. But above all, pay attention to this matter, which no one who truly cultivates the divine Eucharist and is concerned for the eternal salvation of his brothers should neglect. It is too often the case, due to a perverse opinion of human kindness and mercy, that this worst of offenses is committed with the dying, so that a priest is not called unless after the last torpor of the senses has weakened the mind to the point of being unable to perceive external things. Thus, it is often seen that Christians depart from this life without having received the Body of Christ, which is the only provision for the heavenly homeland. Therefore, you should strive with the utmost diligence to eradicate this pernicious evil and to persuade the common people of this principle of genuine charity, so that those who are in danger should be given, as soon as possible, the best possible help for a better life. Finally, let us pray that the works of divine grace may be bestowed upon your plans and endeavors.

[*Latin ed. p. 315*]

Acts of Pope Pius X, 315. With the favor of the apostolic blessing, which We offer as a testament to Our most sincere goodwill to you, Our beloved Son, and to all who will participate in this gathering, We impart Our most heartfelt blessings. Given in Rome, at St. Peter's, on the fifth day of June, in the year 1911, in the eighth year of Our pontificate. PIUS PP. X. III. AT THE REQUEST OF THE MOST REVEREND CARDINAL BOSCHI, ARCHBISHOP OF FERRARA, BISHOP OF COMACLENSE, AND OTHER VENERABLE BROTHERS, ARCHBISHOPS AND BISHOPS OF THE REGION OF EMILIA. Our beloved Son, Venerable Brothers, greetings and the apostolic blessing. — We have recently received your customary joint letter, not from Boulogne-sur-Mer, as is usual, but from Ferrara; and it was certainly a very probable reason for you to choose that city this year to hold your gathering, so that you might be present with the most excellent colleague in the episcopate, a most distinguished man, whose blessed day you might share, and thus increase his holy joy. Indeed, We strongly commend and approve such a service, as We do all things that foster fraternal charity, especially among sacred prelates. However, your union among yourselves must be complete, when you are so closely united with this Apostolic See, and when you strive with such concord to ensure that the prescriptions We have given for the salvation of the Christian republic are faithfully carried out in your churches. We are truly pleased that God has already granted you sufficiently good results for your labors; and We desire that He may

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grant you the best in the future. And, as a pledge of divine grace and as a testament to Our own goodwill, We impart to you, Our beloved Son, and Venerable Brothers, and to your clergy and people, Our most heartfelt apostolic blessing. Given in Rome, at St. Peter's, on the tenth day of June, in the year 1911, in the eighth year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis. - Official Commentary. IV. TO THE REVEREND FATHER FREDERICK FUZET, ARCHBISHOP OF ROUEN, CONCERNING THE ERECTION OF THE PUBLIC MONUMENT TO BLESSED JOAN OF ARC. Venerable Brother, greetings and apostolic blessing.

These letters, recently sent to Us, Venerable Brother, and jointly by several colleagues in your diocese, have delighted Us, by informing Us of the sacred ceremonies that are to take place there, when the public monument to Joan of Arc is to be dedicated, together with the commemoration of Cardinal Thomas, who was a most devoted servant of hers, and when thanks will be given to God for the conversion of Normandy to the Catholic Faith a thousand years ago. It is clearly pleasing and desirable to Us that our France shows itself to be devoted to the ancestral religion, and to be piously mindful of its glorious antiquity, from which it has received so great a heritage. It is fitting that the magnanimous Virgin should be honored with a distinguished and enduring testimony of admiration and gratitude by the city which was a witness to her unjust judgment and suffering. What you write, that you desire to bestow the highest honors on the heavenly Joan, is also Our desire, and we commend this to the benevolent God. In the meantime, We impart to you, and first to you, Venerable Brother, to your clergy and people, our most affectionate apostolic blessing, and may divine graces abound.

Given at Rome, near St. Peter, on the tenth day of the month of June, in the year 1911, in the eighth year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 317*]

Sacred Congregation of Rites. 317 SACRED CONGREGATION OF RITES. DECREE CONCERNING THE INTERPRETATION OF THE MOTU PROPRIO "INTER MULTIPLICES." Concerning the legitimate interpretation of article II, paragraph 14 and 34, and article III, paragraph 43, in the Motu Proprio *Inter multiplices*, dated February 21, 1905, the following question was proposed to the Sacred Congregation of Rites: Whether a Canonically assigned member of a Chapter, which collegially enjoys privileges or insignia and rights pertaining to Protonotaries Apostolic, or supernumerary members, or those of similar standing,

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acquires any right to be included in the list of Domestic Prelates with the expedition of a Brief? And the Sacred Congregation itself, after hearing the opinion of the Liturgical Commission, and after careful consideration of the matter, decided to respond: Negatively, and that the inclusion in the group of Domestic Prelates depends solely on the benign generosity of the Supreme Pontiff, taking into account, in each case, all circumstances and the special merits of the person. This resolution, having been presented to His Holiness, Pope Pius X, through the undersigned Cardinal, Prefect of the aforementioned Sacred Congregation, was ratified and approved by His Holiness; and at the same time, such interpretation was declared to be true and authentic. May 24, 1911. FR. S. CARD. MARTINELLI, Prefect. L.|$jS. f Petrus La Fontaine, Bishop of Charystien, Secretary. IL BAIOGEN. CANONIZATION OF THE BLESSED JOHN EUDES, APOSTOLIC MISSIONARY AND FOUNDER OF THE CONGREGATION OF JESUS AND MARY, AND ALSO OF THE ORDER OF THE BLESSED VIRGIN MARY OF CHARITY. Having published the Apostolic Letters, in the form of a Brief, by which the Most Holy Pope Pius X, through divine providence, confers the honors of the blessed upon the Venerable Servant of God, John Eudes, Apostolic Missionary, Confes-

[*Latin ed. p. 318*]

Acts of the Apostolic See. - Official Commentary. On April 25th, 1909, before a very numerous clergy and people, and with many present from various places, in the Patriarchal Basilica of the Vatican, the solemn ceremonies for the Beatification were completed. Since then, the piety and devotion of the faithful to the Blessed have grown ever more clearly, both within and beyond Europe, and have been further increased by the triduum celebrations held annually since the date of the Beatification, according to custom. Moreover, it is reported that new signs and miracles, through the intercession of the Blessed John, have occurred, bringing great hope to those working for the Cause, as well as to the institutions founded by him, namely the Congregation of Jesus and Mary, and the Congregation of the Most Holy Virgin of Charity. It is hoped that, through repeated prayers and in accordance with the proper legal procedures, the highest heavenly honors and the sanctity of his name and cult will soon be obtained by these institutions from the Apostolic See. Hence, the Reverend Father Gabriel Mallet, General Procurator of the Congregation of Jesus and Mary and Postulator of the Cause, and with the attentive and subsequent letters of the Most Reverend Lord Bishop of Bayeux, as well as the Most Reverend Superior General of the Eudist Congregation, and the General Superior of the Congregation of the Most Holy Virgin of Charity of the Good Shepherd, and the Abbess of the Monastery of Notre Dame de Charité à Refuge – the first in order and time of establishment – along with the vows of the members of the aforementioned congregations, the Most Reverend and

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Eminent Cardinal Dominic Ferrata, also Postulator of the same Cause in the Congregation of Sacred Rites, convened a meeting at the Vatican, and proposed the following question for discussion: "Should a Commission for the Reopening of the Cause be appointed in this case and for the purpose in question?" And the Eminent and Reverend Fathers entrusted with the preservation of the Sacred Rites, after the report of the aforementioned Eminence, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, having carefully considered all matters, decided to respond: "The Reopening should be approved if it pleases the Most Holy [Pope]." May 30, 1911. Having related all of the above to the Most Holy Pope Pius X through the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness approved and ratified the decision of the aforementioned Congregation, and deigned to sign the Reopening of the Cause for the Canonization of the Blessed John Eudes, Apostle and Founder of the Congregation of Jesus and Mary, as well as the Order of the Most Holy Virgin of Charity. June 14, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. $ S. Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 319*]

Sacred Congregation of Rites. 319 III. CONFIRMATION OF THE CULT RENDERED TO THE SERVANT OF GOD JAMES CAPOCCIO, ARCHBISHOP OF NAPLES, OF THE ORDER OF ERMITES OF SAINT AUGUSTINE, OF VITERBO, NOW BEATIFIED, FROM TIME IMMEMORIAL. In the thirteenth century, James Capoceius, born of a noble family of Viterbo and a citizen of that city, was instructed from his youth in letters and piety. As a young man, he began to frequent the monastery of the Eremites of Saint Augustine, located near Monte Cimino, and, attracted by their holy conversation, he decided to embrace the life of a religious. Having reached a more mature age, he was accepted among the aforementioned Brothers, successfully completed his novitiate, and, approved by unanimous consent, took his religious vows. Devoted first to the humanities and then to philosophical disciplines, he displayed a clear and profound intellect. Soon, for the purpose of studying theology, he was sent, along with his brother of the same Order and nation, James of Columna, to the University of Paris, where, as a follower of the teachings of Saint Thomas Aquinas and a disciple of Giles of Rome, of the Augustinian Order, he received from these great masters the heavenly doctrine, joined with sanctity. Elevated to the priesthood and having attained the degree of Lector in his religious Order, he was assigned by his Superiors to perform more important duties; and with their consent, he returned to Paris, where, having been honored with the degrees of Bachelor and Doctor, he taught theological disciplines, first in that university and then in the city of Naples. Always faithfully adhering to the teachings and example of his predecessors, he demonstrated a noteworthy opinion to

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Bartholomew of Capua, namely, "that he believed in faith and in the Holy Spirit, that our Savior, the Doctor of Truth, sent the Apostle Paul, and afterwards Augustine, and in more recent times, Brother Thomas, for the enlightenment of the world and the Universal Church." In the year 1302, he was promoted by the Roman Pontiff Boniface VIII to the Archiepiscopal See of Benevento and was consecrated by Cardinal Theodoric, Bishop of Praeneste, and was rightly numbered among the illustrious prelates of that See. However, in the same year, he was transferred by the Supreme Pontiff himself to Naples, where he undertook the governance of the Metropolitan Church of Saint Aspren and Saint Januarius. He held this office until his death, and he distinguished himself with wisdom, prudence, and virtues, gaining the esteem and love not only of the Roman Pontiff but also of King Charles II and his son Roger, from whom he obtained many privileges for his Archdiocese. It should also be noted that he himself wrote learned books on philosophical and theological matters, in the manner of the Angelic Doctor and Giles.

[*Latin ed. p. 320*]

Acts of the Apostolic See. - Official Commentary 320. Rome, which, having been printed, as well as manuscripts, are preserved in the principal cities and libraries of Italy. Finally, in the year one thousand eight hundred and thirty-eight. James, full of merits, exchanged this mortal and laborious life for eternal blessedness. Moreover, as the public and ecclesiastical cult of this Servant of God grew more and more each day, and as it was said to have been approved by valid arguments and signs, investigations were instituted in the ecclesiastical courts of Viterbo, Benevento, and Naples concerning this cult. After these investigations were completed and transmitted to Rome to the Sacred Congregation of Rites, and when all was ready to proceed with the cause, the Most Reverend Father Eustasio Esteban, General Postulator of the Order of Eremites of Saint Augustine, and the Most Reverend Lord Cardinal Dominic Ferrata, Promoter of the same Cause, at ordinary meetings of the aforementioned Sacred Congregation held on a designated day at the Vatican, proposed the following question for discussion: "Whether the judgment rendered by the judge delegated by the Most Reverend and Most Reverend Cardinal Archbishop of Naples regarding a case exempted from the decrees of Pope Urban VIII should be maintained in the present case and with the effect intended?" And the Most Reverend and Most Reverend Fathers entrusted with safeguarding the sacred rites, after hearing the report of the aforementioned Promoter, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, and after mature deliberation, decided to respond: "Affirmatively, that is, to confirm the judgment." On May 30, 1911. Subsequently, these matters were reported to His Holiness Pope Pius X by the undersigned Cardinal Prefect of the Sacred Con-

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gregation of Rites, and His Holiness approved and confirmed the decree of the aforementioned Sacred Congregation on June 14, 1911. Fr. S. CARD. MARTINELLI, Prefect. L u © S. f. Peter La Fontaine, Bishop of Charysten, Secretary. IV. ROMAN, OR VESTMONASTERIEN. CONCERNING THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, FATHER DOMINIC, A PRIEST OF THE CONGREGATION OF CLERICAL REGULAR CANONS OF THE MOST HOLY CROSS AND PASSION OF OUR LORD JESUS CHRIST. In the year 1849, on August 21, in Reading, in Britain, Father Dominic, who was born in Viterbo in the year 1792, son of Joseph Barberi and Antonia Pacelli, who were engaged in agriculture, died with great renown for his sanctity.

[*Latin ed. p. 321*]

The Saint was devoted to the Society. Later, called by God, he was received among the members of the Cross and Passion, and, obedient to the vows of Saint Paul of the Cross, he dedicated himself entirely to the salvation of souls, especially those of the English. Having fulfilled many and illustrious duties among his confreres, in the year 1840, when, by order of the Superiors of the Society, he had gone to the Belgian regions, he founded the first house of the Society itself in Tournai, overcoming many and great obstacles with a truly manly spirit. Two years later, arriving in England, it is incredible to say with what zeal he labored for seven years, both in establishing new foundations of his Congregation, and in founding missions and schools, so that the Lord's command might be fulfilled: "That they all may be one, as thou, Father, in me, and I in thee; that they also may be one in us: that the world may believe that thou hast sent me" (John 17:21). Indeed, he suffered many and grievous insults at that time for the sake of Christ; but He who consoles his servants in every tribulation, consoled Dominic, who, weeping for joy, gave a kiss of peace to many English people in the name of the Holy Church; among these was the most illustrious man, John Newman, who, later, for his outstanding merits, was elected to the most distinguished College of Cardinals of the Holy Catholic Church. After his death, as the fame of his sanctity grew daily, after proper investigations concerning this fame had been duly carried out and transmitted to the Congregation of Sacred Rites, and at the urgent request of the Reverend Father Gregory of the Sorrowful Virgin, of the Congregation of the Cross and Passion of Our Lord Jesus Christ, and after attentive letters from several Reverend Archbishops and Bishops, as well as from the Reverend Superiors General of Orders and Congregations, the following Cardinal, Prefect of the Sacred Rites Congregation and Relator of this Cause, in ordinary meetings held at the Vatican on the date indicated below, proposed the following question for discussion: "Should a Commission be appointed for the introduction of the Cause, in this case and to this effect?" And the Most Eminent and Reverend Fathers entrusted with

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the safeguarding of the Sacred Rites, after the report of the Cardinal who proposed the question, having heard the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering all matters, judged that: "A Commission should be appointed, if it pleases the Most Holy." May 30, 1911. Subsequently, these facts were reported to Our Most Holy Lord Pope Pius X by the undersigned Cardinal, Prefect of the Sacred Rites Congregation, and His Holiness approved and ratified the Decree of the same Congregation, and, with his own hand, signed the Commission for the Introduction of the Cause of Beatification and Canonization, ACTA, vol. III, n. 9. - July 12, 911. 23

[*Latin ed. p. 322*]

Acts of the Apostolic See. - Official Commentary. The Most Reverend Servants of God, Dominic of the Mother of God, Priest, and of the Congregation of Clerics Regular of the Most Holy Cross and Passion of Our Lord Jesus Christ. On June 14, 1911. Father S. CARDINAL MARTINELLI, Prefect. L. © S. f. Peter La Fontaine, Bishop of Charysten, Secretary. V. BAIONEN. NEW QUESTIONS. From the current calendar of the Diocese of Baion, with the prior consent of the Reverend Bishop of that same Diocese, certain new questions have been reverently presented to the Congregation of Rites for appropriate resolution; namely:

I. Where the Feast of the Patron is celebrated by long-standing custom, on a Sunday within the Octave of that feast, with the participation of the people, through one solemn Mass of the Feast with the commemoration of the Sunday, whether the solemnity of Saint John the Baptist, which falls on the same Sunday, and the solemnity of the Holy Apostles Peter and Paul in Gallus, which are obligatory, should be given precedence, or postponed to another subsequent Sunday, since they are not obligatory, but only permitted?

II. Whether a lay person serving at Mass can administer the Holy Communion within the Presbyterium and at the altar, even if he is not wearing clerical vestments?

III. Whether the prayers after a private Mass, which are to be recited by order of Leo XIII, should be omitted after a votive Mass of the Most Holy Heart of Jesus, celebrated on the sixth day of each month with the privileges of a solemn votive Mass for a grave matter?

IV. When the celebrant performs the Office at Vespers before the Most Holy Sacrament exposed, must he, when he approaches before the middle of the altar for the Magnificat, bend the knee of one leg upon the innermost step, or bend both knees on the level surface?

V. When Vespers are sung before the Most Holy Sacrament exposed, whether the celebrant can perform the Office from the beginning wearing the amice, alb, stole, and cope, and whether a Deacon and Subdeacon can

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assist him from the beginning of Vespers, wearing the alb, dalmatic, and tunic, due to a procession that is to be instituted immediately after Vespers, especially in churches that lack sufficient copes for the assistants?

[*Latin ed. p. 323*]

Sacred Congregation of Rites. 323 VI. Whether, during Lent, when Vespers are sung immediately after the solemn Mass, the celebrant, wearing a raincoat over the alb and stole, may perform the Office with the assistance of a Deacon and Subdeacon wearing the dalmatic and tunic, respectively.

VII. Whether, according to the Decrees of November 23, 1906, Question 1, and February 1, 1907, Question 10, the "Prayer, God whose mercy has no measure," of the Eremites of Camaldoli, of Mount Corona, must be sung before the "Tantum Ergo" during the Triduum or Octavum within the year following Beatification or Canonization, or must a special arrangement, as prescribed by the Decree of December 16, 1902, Question 6, regarding the privileges usually granted for the Triduum or Octavum, be observed in this case?

VIII. Whether the Novendial supplication, which, according to the Encyclical Letters of Pope Leo XIII, "Divinum illud munus," of May 9, 1897, concerning the Feast of Pentecost, should precede, must begin on the sixth day of the week within the Octavum of the Ascension of Our Lord, so that it concludes on the eve of Pentecost, or whether, according to the practice of this Diocese, it may begin only on Saturday, so that the Novendial supplication ends on the very day of the Feast of Pentecost?

And the Sacred Congregation of Rites, having heard the opinion of the Liturgical Commission, and after careful consideration, decided to respond as follows:

To I. In this case, the solemnity of the Holy Apostles Peter and Paul in Sabandja Su takes precedence.

To II. Affirmative.

To III. The Mass, for which in prayers it is requested that it be considered solemn, to which the Decree No. 3697, of the Order of the Minor Capuchins of St. Francis, of December 7, 1888, Question 7, can be applied.

To IV. Negative to the first part; affirmative to the second.

To V. Negative.

To VI. Negative.

To VII. Sufficient provision is made in the aforementioned Decree.

To VIII. Affirmative to the first part; negative to the second.

And thus it was decreed, on June 8, 1911.

Fr. S. CARD. MARTINELLI, Prefect.

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L. j$j S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 324*]

Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF PARIS. NULLITY OF MARRIAGE (ROTTNER-SMITH). During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on March 24, 1911, the Most Reverend and Venerable Fathers, Seraphinus Manu, Ponens, Franciscus Heiner, and Ioannes Prior, Auditors of turno, in the case of Paris. - Nullity of Marriage - concerning the appeal presented by the Defender of the Bond of Paris against the sentence of the Tribunal of Paris, between Magdalena Rottner, represented by the advocate Nazarenus Ferrata, and Harold Smith, who declared that he did not wish to take any part in the proceedings, with the Defender of the Bond intervening and arguing in the case, rendered the following definitive sentence. On the eighth day of August, 1899, Harold Smith, of the Protestant sect, and Magdalena Rottner, having obtained a legitimate dispensation for mixed marriage, were married in the parochial chapel of the Church of St. Magdalena, in Paris. Since the marriage, as often happens in such mixed marriages, had had unfortunate consequences, and the spouses had separated in the year 1907, Magdalena Rottner, after consulting with learned men, presented a petition to the Most Reverend Archbishop of Paris on January 7, of the year 1909, requesting that her marriage with Harold Smith be declared null by the Tribunal of Paris, due to a defect in the Tridentine form. Indeed, on November 16 of the same year, 1909, a definitive sentence was issued by the aforementioned Tribunal, in which it was decreed: "That the marriage is null in this case, due to a defect in the Tridentine form." The Reverend Defender of the Bond of Paris immediately appealed from this sentence, and therefore the case was brought before the Sacred Roman Rota, where the following doubt was raised, according to custom: "Does the nullity of the marriage in this case exist?" To which doubt the Most Reverend and Venerable Auditors judged it necessary to respond: "Affirmatively." In law, which was in force at the time when the aforementioned marriage was contracted, it is certain that a marriage is null when it was contracted "otherwise than in the presence of a parish priest, or another priest with the license of the parish priest, or of the Ordinary, and with two or three witnesses." By the parish priest.

[*Latin ed. p. 325*]

St. Roman Code, Canon 325, is understood to mean that one of the spouses' proper pastor is the one of the parish where they reside, or have a quasi-domicile; and if either spouse is juridically absent, the pastor of the place where they are staying during the time of the marriage contract (omitting any controversy regarding other pastors) is their proper pastor. Therefore, for a marriage to be valid, the presence of the proper pastor in

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this sense, or of another priest with the permission of the proper pastor or Ordinary, is required. In the case of the marriage in question, between Harold Smith and Magdalen Rottner, the marriage was celebrated before a priest, namely, Father Du Lac, a delegate of the pastor, or the first vicar (in Paris, the first vicar is equated with the pastor regarding the celebration of marriages) of the parish of St. Magdalen, having obtained a dispensation from the impediment prohibiting marriage between persons of different religions from the Official or General Vicar for matrimonial causes established in Paris. Furthermore: 1.° The pastor of St. Magdalen was neither the proper pastor of Harold Smith, which is beyond dispute, nor of Magdalen Rottner; 2.° No permission was granted for this marriage by the Official or Ordinary of Paris; 3.° Neither spouse was absent, nor was Magdalen Rottner, which is beyond dispute, nor was Harold Smith. Therefore, the marriage was celebrated "otherwise than in the presence of the pastor or another priest with the permission of the pastor or Ordinary" and is therefore invalid. Regarding the first point, these facts are confirmed by the testimonies of witnesses, and are not disputed by anyone. The father and mother of Magdalen Rottner, at the time of the marriage contracted by the daughter in the year 1899, had been legally separated from each other for thirteen years; the father resided in the southern provinces of France, mostly in the town of Béziers, in the diocese of Montpellier, and therefore the daughter, being a minor, shared in his legal domicile; Magdalen, however, lived with her mother, who retained custody of the children, and therefore, in fact, also shared in her domicile. Furthermore, the mother had, in the territory of the parish of Neuilly, in the diocese of Paris, a house suitable for habitation, the annual rent of which exceeded 2000 livres, and which was equipped with all the amenities for comfortable living, namely, bedrooms and beds for the mother, son, and two daughters, a dining room, and a hall for receiving guests and visitors; in addition, she had in Paris, in the territory of the parish of St. Magdalen, a workshop for making clothes, in which she, along with her daughter and some other girls who rented their services to her, spent their days making or repairing clothes; after nightfall and after breakfast, in

[*Latin ed. p. 326*]

326 Acta Apostolicae Sedis. - Official Commentary. In a house located in Neuilly, the mother and daughter would daily go to the workshop, where they worked until the evening hours; after which, they would return to their home in Neuilly, where, after having dinner with the family, they would go to sleep. They would usually have lunch at the workshop, so as not to waste time by returning to Neuilly so often; but in this workshop, they never had dinner, nor did they spend the night, nor was a bed ever seen there. With these facts established, the question arises as to the place of domicile for the mother and daughter, Rottner: did they have a domi-

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cile in the parish of Neuilly, or in the parish of St. Magdalene, or in both? To answer this question, we must consider the definition of domicile; for domicile is "the place where a person has established the center of their affairs and possessions, from which they are not likely to move, unless something draws them away," according to Roman law; as Voetius states in his commentary on the Pandects, Book V, Title 1, paragraph 92; a definition that is also accepted and explained by canonists, such as Reiffenstuel, in the title "De foro competenti," paragraphs 16 and following, and others. In this definition, it is important to note that the essential element of domicile is the establishment of the *lares*; for to establish the *lares* somewhere is nothing other than to establish there the center of one's private and domestic life, in Italian, "focolare," in French, "foyer," where parents live privately, where children are born, are fed, and grow, where friends and guests are invited and received, where the entire family takes their main meals, and sleeps; for this is truly the place of habitation, because it is there that true domestic and family life is lived. It is certainly true that parents who have established their *lares* in this way also usually establish there the center of their affairs and possessions; but nothing is taken away from the truth of habitation and domicile, if they also have a house purchased or rented elsewhere, money or securities exposed in businesses, or funds deposited in banks; for in the common estimation of people, all of these things have nothing in common with the concept of domicile. Therefore, in the case of the mother and daughter, Rottner, since they had established their *lares* in the parish of Neuilly, but had only a workshop in the parish of St. Magdalene, it must be concluded that their domicile was in Neuilly, and not in the parish of St. Magdalene, and therefore, only the parish priest of Neuilly, and not the parish priest of St. Magdalene, was their proper parish priest. Nor can it be said that someone can have two domiciles at the same time, established in two different places, when they are equally or almost equally located in both places; which precisely happens in our case, in which we see the mother and daughter, Rottner, living simultaneously in the parish of Neuilly and in the parish of St. Magdalene; there, indeed, during the day, and there, at night.

[*Latin ed. p. 327*]

Saint Roman Code, Book 3, Title 1, Paragraph 1) and in Canon Law (chapter Cum quis, 2, De sepulturis in 6), it is possible for someone to have two domiciles in two different places, when they have equally or nearly equally established themselves in both: "When someone has two domiciles, placing 'himself equally in both'," says Boniface VIII in the aforementioned chapter; but since the establishment of a dwelling is the principal element in a domicile, as stated above, it is not understood how someone who has established a dwelling in one place, and in another place has only established a workshop, a business, or a part, even a large part, of their fortune, can be

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said to be equally established in both places; certainly, they are much more established in the place where they have a dwelling, than in the place where they only have a workshop. Therefore, the authors who explain this chapter of Boniface VIII concerning two domiciles and equal establishment in both, understand this equal establishment not as spending daytime hours in one place and nighttime hours in another, but as spending an equal or nearly equal number of months per year in one place and in another; for he who spends about six months in the city and about six months in the countryside each year, undoubtedly, all other things being equal, is equally or nearly equally established in both places; but he who establishes a dwelling in one place, where he sleeps, raises a family, dines, etc., and in another place spends his daytime hours in business or labor, is certainly not equally established in both places; but again, I say, he is much more established in the place where he has a dwelling, than in the place where he only dedicates himself to business or labor, because, according to the common estimation of people, the principal element required for a domicile is the establishment of a dwelling. But the truth of this solution can no longer be doubted today. This precise specification concerning daytime residence in one place and nighttime residence in another was presented in 1875 to the Holy Congregation of the Inquisition by His Eminence Cardinal Guibert, Archbishop of Paris, in these words: "Most Blessed Father, humbly prostrate at the feet of Your Holiness, Joseph Hippolitus Cardinal Guibert, Archbishop of Paris, explains that it often happens in the Paris diocese that those who wish to contract marriage appear to have two domiciles; one, indeed, is known, fixed, and permanent, where all matters of commerce or industry are conducted; the other is also known, fixed, and permanent, where they openly live with their family, where they dine with their friends, and where all family matters are dealt with. Therefore, it is understood what is the true domicile, and whether marriage can be validly and licitly entered into in either of them." To this question, the following response was given: "On Thursday, May 12, 1875, in the General Congregation of the Holy Roman Church, and..."

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis. - Official Commentary. "Regarding the Universal Inquisition held before the Most Eminent and Reverend Lords Cardinals, General Inquisitors, concerning the aforementioned doubt, and after the opinion of the Reverend Consultors had been heard, the same Most Eminent and Reverend Lords decreed: "Regarding point 1. For the purpose of validly contracting marriage in the sight of the Church, the true domicile is to be understood as that in which one resides with his family and sleeps. " I. Pelami, Notary of the Sacred Roman and Universal Inquisition. " L. S. ". This principle was also applied by the Holy Congregation of the Council in the matter of the Nullity of a Marriage in Parisiensi, on August 18, 1906;

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for when it was alleged that a certain betrothed party had two domiciles, one in which he had established his home and slept, and another in which he conducted business or worked during the day, the Holy Congregation rejected the latter domicile and admitted only the former (Thesaurus Res. S. G. G., vol. 165, pp. 1027-1044). Regarding the second point, the question is whether any license or delegation was granted by the Ordinary of Parisiensi to celebrate the aforementioned marriage, in accordance with the cited Council of Tridentini, "otherwise than in the presence of the parish priest or another priest with the license of the parish priest or Ordinary." A difficulty arises from the fact that, since the betrothed, Harold Smith, was addicted to the Protestant sect, the Vicar General of Parisiensi, appointed for marriages, the Reverend Father Monlezun, at the request of the parish priest of Saint Magdalene, granted a dispensation from the impediment of mixed religion; this dispensation, according to the custom of the Court of Parisiensi, as is evident from the printed sheets which contain such dispensations, was worded as follows: "To the Reverend Pastor or Vicar of the Church N. N. — Having seen the suppliant petition presented to us by N. N., a parishioner of your parish, by virtue of the apostolic indult..., we grant you, by these presents, without prior notification, permission to receive the mutual consent of the parties, outside the church, without any ecclesiastical solemnity, without any blessing, and without any prayers being added: but with the two witnesses required by the Holy Council of Tridentini, and with all other things that must be observed." Since the Ordinary says "we grant you permission to receive the mutual consent of the parties," this appears to be the license or delegation required by the Council of Tridentini, and therefore the marriage was celebrated with the license of the Ordinary, and is therefore valid. But it is objected that the aforementioned license, granted by the Ordinary of Parisiensi, is in no way a license to assist at the marriage, in the sense of Council 5.

[*Latin ed. p. 329*]

The Roman Rota. In Trent, but a dispensation from the impediment of mixed religion, and therefore a license, notwithstanding this impediment, to celebrate marriage, and indeed outside the church and without solemnity. This interpretation is demonstrated both by the terms of this dispensation as stated above, and by the entire context of the words, and also by the very inscription on the document, "Dispensation from mixed religion," and also by the sworn testimony of the Reverend Monsignor Monlezun, who granted this dispensation; for he himself said: "Both by the training that I had received from my predecessors, and by my own personal conviction, I have never given a general delegation in granting any dispensation. I have always thought that a delegation for the validity of the marriage required a special act of will from me, which I must express in terms on the dispensation itself. I have always made a note of this on the inquiry form. I

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have never considered that the terms used in the formulas of dispensation from the Archbishopric of Paris, and especially the words "licentia iam tibi damus," contained a special delegation for the valid celebration of the marriage. For me, this formula allowed the parish priest to proceed with the marriage lawfully, because the only obstacle known to me, that is, the impediment of mixed religion in the present case, was removed." Therefore, it is clear that the Ordinary of Paris did not intend to grant a delegation or license in the Tridentine sense, but only a dispensation from the prohibiting impediment, so that, once this was granted, the celebration of the marriage would be permissible. And it should not be said that this license to celebrate marriage, which Ordinaries often grant to their own parish priests after a completed inquiry into the parties' freedom from impediments, in order to awaken in them the faculty of providing authorized witnesses, which, according to common law, they are prohibited from exercising unless the permission of the Ordinary is obtained, should also be considered to have the force of a delegation, so that, if, perchance, the parish priest is not their own, the marriage would be valid. It must be conceded that the aforementioned license, which Ordinaries also often grant to their own parish priests, after the parties' freedom from impediments has been proven, has the force of a delegation for the celebration of the marriage; for this license has been interpreted in this way on several occasions by the Holy Congregation, and especially in that case, which Benedict XIV refers to in Instit. 88, n. 4. But it must be noted that this interpretation of the Holy Congregation is based on the presumption that this is indeed the will and intention of the Bishop; for a delegation, since it is an act of will, must proceed from the will, and not...

[*Latin ed. p. 330*]

330 Acta Apostolicae Sedis. - Official Commentary. can extend beyond his will; which is well known. Therefore, if from the wording of the license granted it appears that the bishop has a different will, that will must be followed; for presumption yields to truth. Thus, when in the formula of the license the Ordinary adds words such as "observing the Tridentine form" or similar, even the Holy Congregation of the Council interprets the license not as a delegation to celebrate the marriage, but as a mere permission to proceed further, to grant dispensations. Thus, it decreed in the document from Trent of July 13th and December 19th, 1868 (Acta S. Sedis, vol. 4, pp. 241-249; 289-298). In this case, the bishop had not simply said, as in the case reported by Benedict XIV: "We grant the parish priest of S. Demetrii the faculty to be present at the marriage contracted between etc." but: "The parish priest, to whom it pertains, after three announcements have been completed..., will celebrate the marriage contracted between etc... observing the form of the Holy Council of Trent" (Acta S. Sedis, cited above, p. 289); with these words, he showed his intention that the priest who was

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truly the proper parish priest, according to the Council of Trent, should celebrate the marriage; therefore, since the priest who actually celebrated the marriage was not the proper parish priest, the marriage was declared null by the Holy Congregation of the Council of Trent. Similarly, the Holy Roman Rota decided in another document from Naples - concerning Matrimony - of June 22nd, 1767, because in the formula of the license granted, the bishop used the words "observing the form of the Council of Trent" (Acta S. Sedis, cited above, p. 297). In these cases, therefore, presumption yielded to truth. Furthermore, the same must be said in the present case: 1st, as is clear from the wording of the license, the Ordinary states that he is granting this license by virtue of an apostolic indult; therefore, it is clear that this is not a common license to celebrate a marriage, which any bishop can grant by his own right; 2nd, the Ordinary does not precisely grant a license to celebrate the marriage, but to celebrate it "without prior announcements, outside the church, without any ecclesiastical solemnity, without any blessing, and without any prayers being recited," which are well-known additions to the dispensation in the impediment of mixed religion; 3rd, at the end of the formula, these words are read: "but having obtained two witnesses required by the Holy Council of Trent, and observing all other things to be observed"; these words, since they are general, encompass all the Church's precepts on this matter (except those in which a dispensation has been granted) and therefore, indeed, especially, the precept concerning the proper parish priest, which is the most important of all; 4th, finally, as has been seen above, the Reverend Monsignor Monlezun, who granted the dispensation, expressly and firmly asserts that, according to his own carefully considered will, and his constant practice, which he received from his predecessors in the Officiality of Paris,

[*Latin ed. p. 331*]

Saint Bonaventure states that he did not intend to grant anything other than a dispensation from an impediment arising from mixed religion. Since these facts are clear and certain, the aforementioned presumption must undoubtedly give way to them. Furthermore, for the sake of completeness, the following observation may be added. Granted, not conceded, that the Ordinary of Paris truly granted a delegation, this would certainly have remained without effect. For this delegation was given, not to the Reverend Father Du Lac, who in fact celebrated the marriage, but to the parish priest and first vicar of Saint Magdalene; and the parish priest or vicar delegated to the Reverend Father Du Lac. Moreover, it is well known that a delegate cannot subdelegate. This is established by Roman law, L. 5, D. De iurisdictione, II, I: "It is so established by the wisdom of our ancestors that only he who possesses jurisdiction by his own right, and not by the benefit of another, can delegate that jurisdiction." This law is entirely accepted in canon law, as is evident from various places in the law, e.g., Cap. Cum

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causa, 2, De appellationibus, where it is written: "Only he who has been delegated by the prince can delegate a case to another, etc." An exception is made when the delegating Ordinary grants the delegate the power to subdelegate; but this exception does not apply in the present case, as is evident from the usual tenor of the letters of dispensation in question, and from the entire document, in which there is no trace of a power to subdelegate. Therefore, even in this respect, there was no license from the Ordinary to celebrate the marriage. A third point remains: neither of the parties was "vague," which must only be considered in relation to Harold Smith; for, as stated above, it is established that Magdalena Rottner was not "vague." As for Harold Smith, he himself was not "vague" at the time of the marriage contract. The marriage was celebrated on August 8, 1899; moreover, at that very time, he resided in a house rented in Nice, at 1 Blacas Street, in the territory of the parish of Saint John the Baptist; this is clearly demonstrated by the very document of payment for the rent, which is written as follows: "Received from Mr. Harold Smith the sum of six hundred (600) francs for the balance of his rent until September 30th next. Nice, January 3, 1899 - Honorine Alzyary." This is confirmed by the written testimony of the landlady herself, Honorine Alzyary, who, on July 19, 1899, testified as follows: "I certify that I had Mr. Harold Smith as a tenant in my apartment at 1 Rue Blacas, from January to the end of September 1899"; and subsequently, at the request of an official from Paris, she clearly confirmed this under oath before the judge in Nice. Thus, Harold Smith resided in this house on Blacas Street from January, with the intention of remaining there until the end of September, and therefore for the greater part of the year; he therefore established a domicile there, which he still maintained at the time of the marriage contract.

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis. - Official Commentary. Certain words used by Harold Smith in his second deposition before the Judge of Paris present a difficulty; for he said: "Very probably, I left my tricycle, my bicycles, and a few personal belongings, which remained in Nice, on rue Blacas. It was out of kindness that the owners of the furnished house kept my belongings; it was understood that this would not prevent them from renting the apartment that I had just occupied, and in which I had no intention of returning after my marriage. In reality, I had made no plans for my establishment with my wife in the following month of October. The house on rue Blacas was very respectable, and I could perfectly well have settled there with my wife, but I had no definite plans at that time. In fact, when I returned with my wife after my marriage, that is, in October 1899, we settled in a family home, villa Brice, on rue Colta." Therefore, it appears that Harold Smith, when he left Nice at the end of July 1899, shortly before his marriage, abandoned the house he had rented, without the intention

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of returning; he therefore lost his quasi-domicile, which he had acquired there, and at the time of the marriage contract, he was without a fixed abode. But this difficulty is easily resolved. The aforementioned words of Harold clearly show that when he appeared before the Judge of Paris in 1909, he had completely forgotten the specific lease he had entered into in 1899 for a period of nine months; otherwise, he would not have said: "It was out of kindness that the owners of the furnished house kept my belongings, etc."; whereas, on the contrary, having entered into that lease, Harold could, by his own strict right, deposit and keep his belongings in the rented house. Therefore, when Harold, at the time he was questioned by the Judge of Paris, had completely forgotten the aforementioned lease (which is not surprising, considering that ten years had passed since the lease), he answered in the manner in which he was accustomed to act in Nice each year, and not in the manner in which he actually acted in that particular year. Indeed, every year he was accustomed to rent a house for the duration of the season, that is, until the end of May, and then, around the end of September, he would return to Nice to rent another house. But in this year 1899, he acted differently; for, since he was already thinking about his marriage, and his future wife, he rented a larger house, and for a longer period, that is, until the end of September, so that, if he should return to Nice before that time had elapsed, he could settle there with his wife. Therefore, he deposited his belongings in this rented house, and kept the key with him, which he did not return to the landlord until the lease was finished; all of which...

[*Latin ed. p. 333*]

(S. Bomana Boia. 333. We learned from the very person who rented the place, who, in her official testimony, recounts all of these things individually. And these are clearly confirmed by the Supplementary Instruction, which the Most Reverend Fathers, the Auditors, ordered to be drawn up on June 4, 1910. From the records of this instruction, in which, with regard to the present matter, Honorina Alzyary and Harold Smith were again questioned, the following are quite clear: 1.° Harold Smith, on January 3, 1899, voluntarily rented the aforementioned house, located at 1, rue Blacas, until the end of September, because, since he used to return to Nice every year in the second half of September, and he wanted to open his workshop on October 1st, he wanted to have a ready and prepared house where he could settle in with his new wife, in case he returned to Nice in September. 2.° Therefore, when he left for Nice at the end of July 1899, just a few days before the wedding, neither he nor the landlord took care to have an inventory and statement of the movable property in the house drawn up; which, however, should have been done, according to the custom of the region, if Harold had definitively abandoned the premises. Furthermore, in this house, Harold retained his own movable property, not out of the

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kindness of the landlord, but by strict right. Finally, as a manifest sign of the retention of a quasi-domicile, Harold did not return the keys to the house to the landlord, but kept them for himself, and in such a way that no one could enter the house; for there were no other keys. And this was understood not only by Harold, but also by Honorina Alzyary; therefore, when Harold left for Nice at the end of July 1899, the landlord not only did not consider renting out the aforementioned house to someone else, but also kept this house, and all the things in it, completely and intact until the end of the lease, that is, until the end of September. It cannot be said that, when Harold left for Nice at the end of July 1899, he did indeed retain the aforementioned house in order to keep his movable property there by right, but that in fact he did not have the intention of returning there, and therefore he lost the quasi-domicile that he had acquired in January. This cannot be said; for 1.° as it is required, in order to acquire a domicile or a quasi-domicile, in addition to other things, a positive intention of residing in a place, so, in order to lose it, a positive intention of not returning there is required; for a thing arises through certain causes, and is dissolved through the same causes; moreover, Harold, when he left for Nice at the end of July 1899, did not have, in the records, any expression or positive intention of not returning to the rented house at 1, rue Blacas.

[*Latin ed. p. 334*]

Acta Apostolicae Sedis. - Official Commentary. 334; it has been demonstrated; 2.° If Harold had only wished to retain a safe place for his own belongings, it would not have been necessary for him to produce proof of the house's occupancy until the end of September, and indeed, not without considerable expense; for the landlady was accustomed to keep those few movable items that belonged to Harold, covered and stored, until his return, purely out of kindness. 3.° Harold clearly states, in the supplementary instruction, that he wished to retain the rented house until the end of September, so that, in the event of his returning to Nice in September, he could have a certain place prepared for himself and his wife: "I had, at the beginning of January, the motives to want to extend my lease until September: my personal desire to have a safe place to store my bicycles and other personal belongings, and furthermore, the certainty of having a place to which to return upon my arrival in Nice." Therefore, it is clear that Harold, at the time of the marriage contract, namely on August 8, 1899, had not yet lost the quasi-domicile that he had acquired in Nice, in the parish of St. John the Baptist, and was therefore not, in law, a vagrant. Having considered and diligently pondered all of the above, concerning the three points mentioned, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and with only God before our eyes, confirming the judgment of the Archdiocesan Court of Paris, do hereby decide, declare, and definitively pronounce: "The marriage between Mag-

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dalena Rottner and Harold Smith is null and void," and thus we answer the proposed question; furthermore, We decree that the same Magdalena Rottner shall be held liable for all the expenses of the judgment. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to order the execution of this judgment, and against those who resist, to proceed according to the sacred Canons and especially chapter 3 of Session XXV of the Council of Trent, using the executive and coercive means that will be most effective and appropriate for the circumstances. Rome, March 24, 1911. L. fft S. Sac. Tancredes Tani, Notary. Seraphinus Many, Assessor. Franciscus Heiner. Ioannes Prior.

[*Latin ed. p. 335*]

Apostolic Signatura. 335 THE ROMAN OR SALERNO SIGNATURA APOSTOLICA, CONCERNING THE RESTORATION OF DAMAGES. In the Ordinary Session held on June 16, 1911, by the Most Reverend and Right Reverend Father Cardinal Vincent Vannutelli, Prefect, together with the undersigned Secretary of this Supreme Apostolic Signatura Tribunal, the appeal presented by the Reverend Father Pacifico Rossi against the Most Reverend Father Michael Lega, Dean of the Sacred Rota Tribunal, in the Salernitano-Roman cause "Concerning the Restoration of Damages," based on a charge of suspicion, was discussed. After a thorough examination of this appeal, as well as the conclusions of the esteemed Consultor, it was clearly established that the aforementioned appeal was not based on any legal grounds whatsoever. Therefore, the Most Reverend Prefect pronounced and decreed, in accordance with canon 40, paragraph 2 of the Proper Law, that the appeal of the aforementioned Reverend Father Pacifico Rossi must be rejected, and the proceedings should be returned to the Sacred Rota Tribunal, so that it may proceed further. Nicolaus Marini, Secretary of the Sacred Signatura Tribunal. By order of the Most Reverend and Right Reverend Cardinal Vincent Vannutelli, Prefect of this Supreme Apostolic Signatura Tribunal, the decree which I, the undersigned, have published above, with the formalities and clauses which are required by law and in accordance with the norms of the Proper Law, was issued on this day, June 21, 1911. Iosephus Adv. Fornari, Secretary of the Sacred Signatura Tribunal.

SECRETARY OF STATE OF THE HOLY SEE.

By a note and a Brief from the Secretariat of State, the Holy Father has deigned to appoint:

Assistant to the Papal Throne: June 27, 1911. — Monsignor Duarte Leopoldo Silva, Archbishop of São Paulo of Brazil.

Apostolic Protonotary, in the manner of those who participate: July 1, 1911. — Monsignor Antonio Macedo Costa, of the archdiocese of Rio de

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Janeiro.

Domestic Prelates of His Holiness: June 19, 1911. — The Reverend Vittorio Day, General Vicar of the diocese of Helena.

[*Latin ed. p. 336*]

336 Acta Apostolicae Sedis. - Official Commentary. The Reverend Peter Desiere, Rector of the Parish of Saint Patrick, in the diocese of Helena; June 28, 1911. — The Reverend Anthony Fourchégu, Vicar General of the Archdiocese of Santa Fe (United States of America). His Holiness, with a note from the Secretariat of State, deigned to appoint: July 8, 1911. — The Reverend Father Francis Parrillo and the Reverend Father Louis Copéré, of the Society of Mary, Consultors of the Holy Congregation of the Council. HONORS. His Holiness, with a note and a Brief from the Secretariat of State, deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great: June 27, 1911. — To the Right Honorable Count Jerónimo Fani, Honorary Chamberlain of Sword and Cape. The Commander of the Order of Saint Gregory the Great, with Plaque: June 13, 1911. — To the Right Honorable Raimondo de Fugger Kirchberg-Weissenborn, Commander of the same Order and Chamberlain of Sword and Cape of His Holiness. The Commander of the Order of Saint Gregory the Great, civil class: June 20, 1911, — To the Right Honorable Giorgio de Raymond, Counselor of Legation, formerly First Secretary of the Legation of Belgium to the Holy See. The Knighthood of the Order of Saint Gregory the Great, civil class: June 2, 1911. — To the Right Honorable Albert Gandrille, of Orléans. June 9. — To the Right Honorable Leone Basquin, of the Archdiocese of Cambrai. July 3, 1911. — To the Right Honorable Engineer William Eiselt, of Dresden.

THE PAPAL HOUSEHOLD APPOINTMENTS. The Holiness of our Lord, with a note from His Excellency, the Reverend Monsignor, the Major Domo, deigned to appoint: Honorary Secretariates: June 22, 1911. — Monsignor Apap-Bologna, of the diocese of Malta. June 28. — Monsignor Giuseppe Sartori, of the diocese of Viterbo and Toscanella; — Monsignor Antonio Daniszewski, of the diocese of Vilna.

NECROLOGY. June 1911. — Monsignor Emanuel Agostino Bárreto, Bishop of Madeira. July 1911. — Monsignor Giuseppe Diaz Correia de Carvalho, Bishop of Viseu (Portugal). — Monsignor Paul Emile Joseph Henry, Bishop of Grenoble.

[*Latin ed. p. 337*]

Year III. - Volume III. July 31, 1911. No. 10. AciAlpœToimm OFFICIAL COMMENTARY. ACTS OF POPE PIUS X BY PAPAL ACT CONCERNING THE RENEWAL OF DIVINE WORSHIP AT "SAINT MARY IN MOUNT." For Our Predecessors, with the greatest possible dignity, it was a solemn matter, for the sake of divine worship, to appoint, within the city of Rome,

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some temple, on occasion of the canonical order, or religious family, or pious society, who would diligently administer the sacred rites therein. However, as is the condition of human affairs, such institutions have also, with the passage of time, suffered much damage: and we see that not a few have been reduced to such straits that they can no longer bear the burden and fulfill the duty entrusted to them. - Among these is the College of Canons of Regina Caeli: which, through the generosity of Horatius de Riccis, a knight of Jerusalem, was established after being settled according to apostolic letters from Paul V to Maria de Pianeta, and subsequently, according to letters from Urban VIII to Santa Lucia near the Nicene area; finally, through letters from Alia, it was transferred to the church of Maria in Monte Sancto by Leo XII, who bestowed upon the church itself the name and title of a minor basilica. Indeed, this College, as long as resources permitted, always took great care to maintain the splendor of the House of God; but now, due to various circumstances and gradually diminishing revenues, it no longer has the means to support itself, let alone to provide for the maintenance of the basilica and the sacred rites. It is truly praiseworthy, however, the diligence and piety of the canons of this order, who, despite their own destitution, continue to perform their duties.

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis. - Official Commentary. At *ficus*, they have not ceased to exert every effort to ensure that the sacred rites would not be neglected there. Indeed, we have gladly learned that the students of the esteemed College of Capranica have, especially on solemn feasts, accustomed themselves to offer their assistance. But a far greater aid, by divine providence, was offered to them, when the esteemed son, Paul Buguet, Apostolic Protonotary, obtained from them that perpetual prayers for the repose of the dead be celebrated in the Basilica. For his piety and *industria* had already produced such remarkable results in France with the *Opus Piaculare Dominae Nostrae de Montligeon*, that, through priests delegated by him, he quickly brought about the restoration of the divine cult in the hospital chapel to its former splendor through frequent prayers and sacred rites; he also embellished one of the chapels of the Basilica, dedicated to Our Lady of Montligeon, with marbles and paintings; furthermore, he took care of the restoration of the Basilica and the adjoining building, which required considerable work. Therefore, in order to establish a certain and definite rule for the administration of the sacred rites in this temple, and to ensure its perpetuity, since the esteemed son, Paul Buguet, offers us such a generous support, it pleases us to avail ourselves of his help and work. And that our gratitude for him may be evident, we now receive the Basilica and the *Opus Piaculare* into our special protection and guardianship, and that of our successors. Wherefore, by our own motion and by the fullness of our Apostolic authority, we decree and establish the following: I. The Basilica

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of the Lord, Mary, on Mount Sion, together with the adjoining building and everything recently added to the building, belong to Us and to Our successors by right of property; but the use of this Basilica and building shall be granted to the esteemed son, Paul Buguet, as administrator of the *Opus Piaculare* of Montligeon, and to his successors. II. The care of the sacred rites of the Basilica shall be entrusted to the administrator of the *Opus Piaculare*. III. So that the choir of the Basilica may not lose its former splendor, it is permitted to the priests who celebrate the divine offices there, although they are not endowed with any benefice, to enjoy the privileges and rights of the ancient canons, and to wear the same insignia of honor. IV. As for the building adjoining the Basilica, the lower part of which, outside the sacristy, has very little space remaining, and the first floor, which has served for these purposes until now, shall continue to serve in the future; that is, for the preservation of sacred furnishings.

[*Latin ed. p. 339*]

Acta, Pontificii, PP. X., 339, concern the allocation of spaces and accommodations. The aforementioned accommodations, namely the second, third, and fourth, shall be reserved for the administrator of the Piacenza Work and for the priests to whom the administration of the Basilica has been entrusted. V. The use of the Basilica and the adjacent house shall belong to the priests dedicated to the Piacenza Work, as long as they attend to the sacred duties of the Basilica; these same priests shall never, even in secular times, acquire ownership of the Basilica and its house. VI. The pontifical or proprietary rights, or the functions of jurisdiction, pertaining to the aforementioned Basilica and adjacent house, shall be exercised, in Our name and in the name of Our successors, by the Cardinal, acting as the Sacred Vicar of Rome; and for this reason, We delegate this office to him perpetually. Furthermore, so that those who owe anything to this Basilica may not, after the ordination which We have performed, consider themselves released from this obligation, We declare and decree that the bond of this obligation remains fully in force. Moreover, whatever has been done in recent times for the restoration of the divine services in the Basilica, We declare to be null and void, and, insofar as it is necessary, We abolish it completely. Therefore, these letters, together with all that has been decreed, declared, and sanctioned by Us herein, shall never, at any time, be subject to any flaw or defect, or to any other cause for invalidity, and shall not be called into question by anyone, even for privileged reasons, under any pretext or name; but rather, as an act of pontifical prudence, carefully deliberated and issued by the fullness of Our Apostolic authority, We decree that they shall remain perpetually valid and effective, and shall have their full and complete effect, and shall be inviolably observed by all, of whatever rank and standing, both in law and out of law; We declare null and void, and of no

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force, whatever anyone may attempt to do to the contrary, knowingly or unknowingly: notwithstanding Our own and the Apostolic Chancery's rules "regarding the non-abrogation of acquired rights," as well as other apostolic constitutions, and also any statutes, customs, prescriptions, or privileges, even those of a special and individual nature, to which all are subject, to the extent that they are expressly derogated from for the purpose of the foregoing.

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis. - Official Commentary. And We wish that this be observed, and all others are to cease from doing anything to the contrary. Given at Rome, near Saint Peter's, on the twentieth day of October, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. APOSTOLIC LETTER CONCERNING THE ERECTION OF THE ROYAL CHURCH IN NAPLES DEDICATED TO BLESSED JAMES THE APOSTLE, AND ITS ELEVATION TO THE RANK OF A BASILICA MINOR. PIUS PP. X. For the sake of posterity. — We have been accustomed, following the example of Our Predecessors, the Roman Pontiffs, to adorn those sacred buildings, which, by their size, their works of art, and especially by the devotion with which they are maintained, are held in singular honor and esteem by the Christian people, with illustrious titles. Among these, the royal church which, in the middle of the sixteenth century, was generously erected in Naples to the glory of Blessed James the Apostle, and entrusted to the Archsodality of the Noble Spaniards, also known as the Monte, dedicated to the Most Holy Sacrament, deserves to be included. Subsequently, through special grants and papal decrees, it became immediately subject to the Holy See, of which a Delegate Apostolic represents the rights therein. With commendable zeal and care, the members of the Sodality, who have as their patron and principal the King of Spain himself, foster the worship of the Most Holy Sacrament, celebrating solemn ceremonies and performing sacred duties with great devotion, attracting a large number of the faithful. As a result, many Supreme Pontiffs, Cardinals, prelates, and other prominent men have eagerly sought to associate themselves with this illustrious and pious Sodality. Therefore, since those entrusted with the governance of this assembly and of the same church have earnestly requested that this church be declared a Basilica Minor, We, who rejoice in being counted among so many illustrious and pious members, have gladly decided to fulfill such a request, supported by the most worthy recommendation of Our beloved son, Joseph, Cardinal Priest of the Sacred Roman Church. Therefore, by Our Apostolic Authority, through these letters, We declare the Royal Church of Naples, dedicated to Bles-

[*Latin ed. p. 341*]

341 The acts of Pope Pius X, concerning the Apostolic Sanctuary ded-

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icated to the Spanish, elevate it to the dignity of a Minor Basilica, and we attribute to it all the privileges that pertain to the Minor Basilicas of this Our City; decreeing that these Our letters shall always exist and be valid and efficacious, and shall fully produce and obtain their intended effects, for those to whom they apply and to whom they will apply in the future, in all things and through all things. Thus, it is to be judged that the foregoing is to be observed, and that it is to be considered void and null if anyone, by any authority, knowingly or unknowingly, should attempt to alter it; notwithstanding any Apostolic Constitutions or other enactments to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twentieth day of May, in the year 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretariat of State. A PERPETUAL PLENARY INDULGENCE THROUGHOUT THE WORLD FOR THE INTERNATIONAL CATHOLIC ASSOCIATION FOR THE PROTECTION OF YOUNG WOMEN. PIUS PP. X. For the perpetual memory of this matter. — Recalling that salutary precept of the Divine Master, which willed that we love one another, even as He Himself loved us, we consider it to be part of the Apostolic office to approve and commend with due praise those pious societies that are instituted to foster mutual charity among the faithful, and also to freely and willingly enrich and increase those heavenly treasures, the dispensation of which the Most High has entrusted to Us. With this in mind, when the Presidents of the International Catholic Association of Works for the Protection of Young Women have earnestly requested Us to grant a plenary indulgence each year on the feast of the Blessed Virgin Mary of Good Counsel to the faithful enrolled in the aforementioned Association, as well as to the members of the work, and to those who benefit from it, We have deemed it fitting to grant their pious wishes as far as is possible in the Lord. Therefore, confident in the mercy of Almighty God and by the authority of the Blessed Apostles Peter and Paul, We hereby grant to all the faithful enrolled or to be enrolled in the aforementioned Association throughout the world, as well as to the present and future members and beneficiaries of the same work, throughout the world, who, having received the sacrament of Penance with proper contrition in any given year and having received Holy Communion on the feast of the Blessed Virgin Mary of Good Counsel, that is, on the day...

[*Latin ed. p. 342*]

Acts of the Apostolic See. - Official Commentary. On the twenty-sixth day of April, or the Sunday immediately following, any church or public oratory, from noon of the preceding day until sunset, which celebrates, on either the twenty-sixth day of April or the following Sunday, prayers devoutly offered to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We, by the authority of Our office, grant a plenary indulgence and

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remission of all their sins. Furthermore, We grant that it may be permissible for them, if they so desire, to satisfy the temporal penalties of their sins by this same plenary indulgence. This decree is valid for all present and future times. We decree that to these present letters, or to copies thereof even printed by the hand of a public notary or a person holding ecclesiastical dignity, the same faith shall be given as would be given to the original documents if they were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the nineteenth day of June, in the year 1910, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. III. The Archconfraternity of the Most Holy Sacrament, erected at Prague, is limited to Moravia, Silesia, and Bohemia; however, a new Archconfraternity of the same name is established in Austria for the faithful who use the German language. PIUS PP. X. For the perpetual memory of this matter. - From Our native office of the Apostleship divinely entrusted to Us, We turn Our mind's attention with vigilant study and paternal concern to the societies of the faithful instituted for works of piety and charity, from which the Church of God derives abundant fruits; and We deliberate, with Our supreme authority, on what may contribute to their good and increase. Among these fruitful societies, which have deservedly earned the highest praise for their Christian endeavors, the Archconfraternity of the Most Holy Sacrament must undoubtedly be included, which, having originated within the Order of Prémontré, has been wonderfully spread throughout the entire world through the industry and zeal of that Order. This Archconfraternity was canonically erected on the eighteenth day of December of the year 1894, at Prague, in the Church of Strahov. But, so that no difficulties may arise from differences in language, and so that the Archconfraternity itself may be more effective...

[*Latin ed. p. 343*]

343 The Acts of Pope Pius X indicate that the Fathers of the Praemonstratensian Order, having convened in April of the preceding month for their Provincial Chapter at the Strahov Abbey, took the initiative to present us with petitions, requesting that the Archsodalitas (Archconfraternity) canonically erected in the church of Strahov be limited to Bohemia, Moravia, and Silesia; and that We might deem it fitting to establish a new Archsodalitas of the same title and institution in Austria, within the church of the Abbey of Plagensis (Schlägl), especially for those who use the German language. We, fostering a near certainty that such a division and new establishment would lead to greater growth for the same Archsodalitas, readily and willingly acceded to the wishes expressed by the aforementioned Chapter. Therefore, with Our Apostolic Authority, by the force of the present document, We limit the Archsodalitas of the Most Holy Mass, canonically erected in the church of Strahov in Prague, solely to Bohemia, Moravia, and Silesia, so that it may admit to its

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ranks only societies and associations existing within the boundaries of the aforementioned provinces. Furthermore, with Our Apostolic Authority, by the tenor of the present document, We establish and institute, permanently and with all customary privileges, a new Archconfraternity of the Most Holy Mass in the church of the Abbey of Plagensis (Schlägl) in Austria, for those who use the German language. We decree that these present letters shall always exist and remain valid and effective, and shall fully and completely produce and obtain their intended effects, for those to whom they pertain, and to those in the future, in all respects and in every way, and that in all matters concerning these matters, they should be judged and determined by any ordinary or delegated judge, and that they shall be considered null and void if, by anyone, through any authority, knowingly or unknowingly, anything should happen that contradicts them. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and Ordinances, and other matters that, although not mentioned specifically, are nevertheless worthy of special consideration and exemption, which might be contrary to these. Finally, We decree that the same faith should be given to copies or printed examples of these present letters, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, as would be given to the present document itself if it were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 30th day of June, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State.

[*Latin ed. p. 344*]

34i Acta Apostolicae Sedis. - Official Commentary. LETTERS TO D. FRANCISCUS EÍCHERT AND OTHER MEMBERS OF THE "GRAL-BUND" LITERARY SOCIETY. Beloved sons, greetings and the apostolic blessing. — Having recently received from you everything that had been published up to that point in your "Der Gral" commentary, and with the accompanying letter explaining its purpose, you have indeed given a remarkable demonstration of piety and faith, which has greatly impressed Us. Know, however, that with this, you have not only satisfied your devotion to this Apostolic See, but also fulfilled Our expectations: for We had long desired an opportunity to declare how much We appreciate your institution, and how dear you are to Us for your merits. Indeed, from the very beginning of your society, We have followed the course of your affairs with singular interest; and We have gladly recognized that among you are men of great talent and refined skill, who cultivate literature and poetry in such a way that, while observing the proper measure of time, they do not seem to have forgotten themselves, but rather openly and clearly demonstrate themselves to be Catholics, both in their lives and

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in their writings. For you rightly deny that there can be any connection between religion, which has given birth to all of humanity, and which, encompassing the whole of man, ought to govern every aspect of human life, and the Muses; or that the spirit of poets should be weakened by the influence of religion, but rather should be strengthened and inflamed by it. As you rightly contend, just as the beautiful in God is one and the same thing as the true and the good, so too, in Christian poetry, the beauty of art should be joined to the splendor of truth and virtue, and thus serve; and therefore, from these endeavors, not only a pleasant diversion for the soul should be sought, but also a solid fruit of public benefit. Therefore, praise is due to you, for diligently preserving the heritage of glory passed down from your ancestors, and for skillfully expanding it: for no impartial judge will deny that Catholics, in this field as in every field of study and literature, have led the way, so that they may be conveniently compared to the best of the ancients. Therefore, beloved sons, continue steadfastly as you have been, in defending the honor of Christian humanism in literature; and as a testament to the divine assistance and Our paternal charity, receive the apostolic blessing, which We bestow upon you with the greatest affection. Given in Rome, at St. Peter's, on the sixteenth day of the month of February, in the year 1911, in the eighth year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 345*]

345 Acts of Pope Pius X. TO THE REVEREND FATHER JOSEPH BOUBEE, S.J., GENERAL MODERATOR OF "THE APOSTOLATE OF PRAYER." Beloved son, health and apostolic blessing. — There are indeed many institutions established by Catholics that are most useful in correcting these great and varied evils that afflict human society; but nothing is more useful than that work and ministry to which we see you, beloved son, presiding. For although men strive diligently and earnestly for the common good, they utterly lose their labor unless God is present in their striving. For just as everything we are and everything we have comes from Him, so He is the only source of all the good things we need; and is it not clear to everyone, through the teaching of the Gospel, that there is no other way for these things to be made available to us, except through humble supplication? And you, when you strive to awaken in the people a trust in divine goodness and a fervent desire for it, you especially devote your efforts to ensuring that men may, as much as possible, come to know and love our most beloved Redeemer, and that, bound together by His love, they may more zealously defend the interests of the Holy Church. To this end, in order to achieve this great opportunity, which we believe contains the salvation of individuals and of the commonwealth, for fifty years now you have employed that instrument, which is called the "Messenger of the Sacred Heart of Jesus." We have learned that a commentary of this kind,

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prepared in various languages and widely disseminated, is in the hands of many thousands of people, and that, as a result, the number of members who profess the Apostolate of Prayer has grown remarkably; and we rejoice greatly in this, for it is easy to estimate how much good this does for the Christian people. Therefore, we congratulate you, and we urge you to persevere constantly in this endeavor; and we impart to you, beloved son, and to the other moderators and members of this association, as well as especially to those who contribute to the writing of these commentaries, our apostolic blessing, filled with the hope of divine graces. Given at Rome, near St. Peter's, on the ninth day of the month of April, in the eighth year of Our Pontificate. PIUS PP. X.

3. TO THE REVEREND DOM ANDREA HYACINTHUS LONGHIN, BISHOP OF TARVISINA. Venerable brother, health and apostolic blessing. — The bonds of a particular relationship, which exist between Us and the diocese of Tarvisina, are...

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis. - Official Commentary. They yield, and have recently effected, that those things which you and your clergy presented to Us in the aforementioned Synodus have pleased Us in a singular manner: for they clearly demonstrated both your profound faith and obedience to the Apostolic See, and your piety filled with the fullest love towards Us. Indeed, We rejoice that it has been granted to you, something which has not happened to any of your predecessors in these past two hundred years, to hold a meeting of this kind, from which such great benefits are usually sought for Christian peoples. And We are certain that the matter has proceeded successfully, and that the deliberations and decrees have been most beneficial for the good of this diocese. We know your prudence and diligence, venerable brother; and We know, from those very letters, that your priests are most concerned about the salvation of souls, especially concerning the integrity of the Catholic Faith and the preservation of a holy life. These priests, closely united, as they are and always wish to be, with the Vicar of Jesus Christ, and listening to His words in all things, will certainly not fall into the dangerous errors which are rampant today, nor will they allow their flock to fall into them; rather, they will easily and sincerely serve the Christian people, if they diligently strive to remember and follow Our exhortation to the clergy, which We have mentioned. In the meantime, We embrace you all with paternal affection, and, anticipating divine blessings, We impart to you, venerable brother, to your entire clergy and to your people, Our apostolic blessing with the greatest love. Given at Rome, near St. Peter's, on the fifth day of the month of May, in the eighth year of Our Pontificate. PIUS PP. X. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Pius X has provided for the following churches with their

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respective pastors, namely: May 13, 1911, — To the Cathedral Church of Achonry, he appointed the priest Peter Morrisroe, Dean of Discipline at the Maynooth College. June 8, 1911. — To the Cathedral Church of Dallas, he appointed the priest Joseph Peter Lynch, of the same diocese, rector of the Church of St. Edward in the city of Dallas.

[*Latin ed. p. 347*]

The Most Holy Congregation of the Propagation of the Faith. 347, June 19, 1911. — To the Cathedral Church of Saint Agatha in Gothorum, Reverend Alexius Ascalesi, until now Bishop of Murano. — To the Cathedral Church of Zamboanga, Reverend Michael O'Doherty, of the diocese of Achonry, rector of the Irish College near the city of Salamanca. July 1, 1911. — To the Cathedral Church of Natchesium, Reverend John E. Gunn, of the Society of Mary, rector of the Church of the Most Sacred Heart in the city of Atlanta, in the diocese of Savannah. July 3, 1911. — To the titular episcopal see of Comana, Reverend Raphael Sandrelli, until now Bishop of Burgos of the Holy Sepulchre. July 7, 1911. — To the titular episcopal see of Scillita, Reverend Ramiro Fernandez y Valbueno, of the archdiocese of Toledo, there a canon of the metropolitan church, whom the Most Reverend Cardinal Joseph Maria Martin de Herrera y de la Iglesia, Archbishop of Compostela, has appointed as his Auxiliary.

THE MOST HOLY CONGREGATION OF THE PROPAGATION OF THE FAITH, DECREE OF THE ERECTION OF THE APOSTOLIC PREFECTURE OF "SUMATRA."

The island of Sumatra, and the smaller islands adjacent to it, which include those commonly known as Billiton, should be separated from the Apostolic Vicariate of the Netherlands, and a new Apostolic Prefecture should be erected there. This was proposed to this Holy Congregation by Reverend Father Edmund Luypen, S.J., the Apostolic Vicar for this purpose, once and again.

Therefore, since this petition of the Apostolic Vicar sought to achieve this very thing, namely, to provide more abundant Christian instruction to the indigenous inhabitants of these islands, which are very numerous, the Most Reverend Fathers, Prefects of this Holy Congregation, after mature deliberation in plenary sessions held on May 29th, considered all things and decided: that Sumatra, and the islands adjacent to it, including those commonly called Billiton, should be separated from the Apostolic Vicariate of the Netherlands, and that they should be erected into an Apostolic Prefecture to be called "Sumatra"; and that the care of these matters should be entrusted to the Reverend Fathers of the Province of Holland.

This decision of the Most Reverend Fathers was communicated to His Most Holy Father Pope Pius X, of blessed memory, by the undersigned

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Secretary of this Holy Congregation, in an audience on June 20th.

[*Latin ed. p. 348*]

Acts of the Apostolic See. - Official Commentary. On June 348, the same Holiness, having graciously approved of everything, ordered the drafting of the present Decree concerning the matter. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on June 30, in the year 1911. F. R. H. M. CARDINAL GOTTI, Prefect. L. S. Aloysius Veccia, Secretary. II. DECREE OF THE ERECTION OF THE NEW APOSTOLIC PREFECTURE OF NORTHERN KATANGA IN THE BELGIAN CONGO. In order that greater advancements of the Faith may be promoted in the vast territory of the Belgian Congo, it was deemed opportune to separate the region, which towards the east is still part of the Apostolic Prefecture of Kasai Superior, from the latter and to erect it as a separate Prefecture. For this reason, in a plenary session held on May 29th, the Fathers of this Holy Council for the Propagation of the Faith decided to erect a new Apostolic Prefecture from the aforementioned territory, to be called the Apostolic Prefecture of Northern Katanga, and to entrust it to the members of the Congregation of the Holy Spirit and the Immaculate Heart of Mary, with the following boundaries: To the north, a straight line that runs from the mouth of the Elila River to the town of Benakamba; to the west, the course of the Lomani River from the aforementioned town to its sources; to the south, the Lo voi River; and finally, to the east, the course of the Lualaba River from the mouth of the Lo voi to the Elila. This decision of the Fathers was reported to His Holiness Pius X, of blessed memory, by the undersigned Secretary of the same Holy Congregation, and in an audience on June 20th, the Holiness graciously approved and ratified it, and ordered the drafting of the present Decree concerning the matter. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on June 30, 1911. F. R. H. M. CARDINAL GOTTI, Prefect. L. S. Aloysius Veccia, Secretary.

[*Latin ed. p. 349*]

Sacred Congregation for the Propagation of the Faith. 349 III. DECREE FOR THE ERECTION OF THE NEW APOSTOLIC PREFECTURE OF MATADI IN THE BELGIAN CONGO. In order that the abundance of spiritual fruits may be more joyfully increased in the Apostolic Vicariate of the Belgian Congo, it has been deemed expedient to separate a region, which lies between the Congo River and the southern limits of the Belgian territory, from the aforementioned Vicariate and to erect it into an independent Prefecture. Therefore, the Fathers of this Sacred Congregation, for the propagation of the Christian Name, in a plenary session held on the 29th of the past month of May, decreed that a new Apostolic Prefecture, to be called "Matadi," should be erected, and that

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its territory, separated from the aforementioned Apostolic Vicariate of the Belgian Congo, should be contained within the following limits: To the North, by the Congo River, from the mouth of the Kodia River to the mouth of the Binza River, and then along the Binza River to its sources; thereafter, a line is drawn from the mouth of the Binza River to Nzau, reaching the sources of three rivers that flow into the Congo River in a parallel course; and finally, by the Congo River to the Apostolic Prefecture of Kwango. To the East, by the limits of the Apostolic Prefecture of Kwango. To the South, by the limits of the Belgian colony. To the West, by the Bidizi River, from its mouth to its sources, and then by a line that reaches the origins of the Lukokote River, and finally by the courses of the Lukokote and Kodia Rivers to the Congo River. Furthermore, it was decided that the care of the students of the Congregation of the Most Holy Redeemer should be entrusted to the new Prefecture. This decision of the Fathers was communicated to His Holiness by the undersigned Secretary of this Sacred Congregation, in an audience held on the 20th of the past month of June, and His Holiness, with paternal benevolence, deigned to approve and ratify it, and has commanded the present Decree of this Sacred Congregation to be drawn up. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 1st of July, 1911. Fr. H. M. CARD. GOTTI, Prefect. Aloysius Veccia, Secretary. IV. NOMINATION OF THE BISHOP. By an Apostolic Brief, the following was nominated: June 27, 1911. — The Reverend Joseph Maria Aloysius Henry Bigolet, from the Seminary of Paris for Missions to foreign lands, Bishop in title.

[*Latin ed. p. 350*]

350 Acta Apostolicae Sedis. - Official Commentary. In Larissa Antiphrarum, and the Coadjutor with right of succession, Reverend Father Peter Mary Gendreau, Apostolic Vicar of Tom-kim occidentalis. V. APPOINTMENTS OF APOSTOLIC PROPREFECTS. By decree of the Sacred Congregation for the Propagation of the Faith, the following were appointed: July 11, 1911. - Reverend Father Fulgentius of Gerard-Montes, of the Order of Capuchins, Apostolic Prefect of Belgian Ubangi. July 25, 1911. - Reverend Father Aemilius Callawaert, of the Congregation of the Holy Spirit, Apostolic Prefect of Northern Katanga. CONCERNING THE CITY AND THE WORLD. By the Motu Proprio of Our Most Holy Lord Pope Pius X, concerning feast days, on July 2 of the current year, certain Sacred Ministers, lest it happen that the feast of the Octave of Saint Joseph, coinciding with a privileged Sunday of the Forty Days of Lent, should receive no commemoration in the Office and Mass, and lest the Office of the days within the Octave, when the Season of Passion approaches, should frequently have to be omitted, earnestly requested that, in order to increase devotion to Saint Joseph, Universal Patron of the Church, His

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feast, celebrated on March 19 without a holiday and without an Octave, be restored; and that the feast of His Patronage be increased with all the rights and privileges that belong to principal Patrons, and be celebrated with the double rite of the first class with an Octave, as has already been legitimately customary in some places and institutions; and even more so, because the Paschal season is more suitable for a solemn commemoration, and that the same feast should never be prevented from being celebrated on the third Sunday after Easter. Furthermore, the Most Reverend Bishops, concerning the Solemnity of the Most Holy Body of Christ, humbly requested the same Most Holy Lord that, remaining a Friday after the Sunday of the Most Holy Trinity,

[*Latin ed. p. 351*]

351. The Holy Congregation of Rites. Concerning its feast day, without a holiday, the external solemnity shall be transferred to the following Sunday. His Most Holy Lordship, with the reference of the undersigned Secretary of the Sacred Rites Congregation, having heard the opinion of the Liturgical Commission, mercifully granting such requests, while the Motu Proprio remains firm regarding the other feasts, has decided and decreed:

I. The Feast of the Nativity of Saint Joseph, on March 19th, without a holiday and without an Octave, shall be observed with a double rite of the first class, under the title: "Commemoration of the Solemnity of Saint Joseph, Spouse of the Blessed Virgin Mary, Confessor."

II. The Feast of the Patronage of the same Saint Joseph shall be observed on the third Sunday after Easter, with a double rite of the first class with an Octave, added with the quality of a major feast, under the title: "Solemnity of Saint Joseph, Spouse of the Blessed Virgin Mary, Confessor, Patron of the Universal Church."

III. During the days within the Octave and on the Octave of the Solemnity of Saint Joseph, the Office shall be used as it is found in the Appendix of the Roman Breviary.

IV. The Feast of the Most Holy Trinity, fixed on the first Sunday after Pentecost, shall continue to be observed with a double rite of the first class.

V. The Feast of the Most Holy Body of Christ shall be celebrated, without a holiday, with a double rite of the first class and with a privileged Octave, similar to the Octave of the Epiphany, on the fifth feria after the Sunday of the Most Holy Trinity, under the title: "Commemoration of the Solemnity of the Most Holy Body of Our Lord Jesus Christ."

VI. On the Sunday within the Octave of this feast, in Cathedral and Collegiate Churches, after reciting the Office with the Mass proper for that Sunday, only one solemn Mass may be sung, as on a feast, with the Gloria, a single Collect, the Sequence, the Creed, and the Gospel of Saint John in fine. Where there is no obligation of a Conventual Mass, only the commem-

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oration of the Sunday shall be added with a distinct conclusion, and its Gospel in fine. On this Sunday, a solemn procession with the Most Holy Sacrament shall be carried out, as prescribed in the *Caeremoniale Episcoporum*, book II, chapter XXXIII.

VII. The Feast of the Most Sacred Heart of Jesus shall be celebrated on the sixth feria after the Octave, as before, with a double rite of the first class.

This present Decree is also valid for Regular Families and Churches that use the Latin rite, different from that of Rome. Contrary provisions, even those of special mention, are not to stand in the way.

July 24, 1911.

L..S.

FR. S. CARD. MARTINELLI, Prefect.

L..S.

Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis. - Official Commentary. Concerning the Decree issued to clarify certain liturgical questions regarding feast days, following the Motu Proprio of Our Most Holy Lord Pope Pius X of July 2, of the year 1911, together with the subsequent Decree of the Congregation of Sacred Rites of the City and the Whole World, of July 24 of the same month and year, the aforementioned Sacred Congregation, after hearing the report of the undersigned Secretary, with the approval of the Liturgical Commission, and with the approval of Our Most Holy Lord Himself, has decided and declared the following:

I. When the Feast of the Nativity of Saint John the Baptist is to be celebrated in the future on the Sunday immediately preceding the Feast of the Holy Apostles Peter and Paul, and therefore two Octaves may coincide; in this case, the Office of the Octave of the Nativity of Saint John shall be observed, with the commemoration of the Octave of the Holy Apostles.

II. The Vigil of the Nativity of Saint John the Baptist shall be observed on the Saturday preceding the Sunday that precedes the Feast of the Holy Apostles Peter and Paul. When, on this Saturday, the Vigil of the Nativity of Saint John and the Vigil of the Holy Apostles coincide, the Office of the former shall be observed, with the commemoration of the latter only in the Mass. However, if a feast or an Office of double or semi-double rank occurs on this Saturday, the Nocturn will be of the Vigil of the Nativity of Saint John, and in the Mass, the commemoration of both Vigils shall be observed.

III. In Cathedral and Collegiate Churches, in the aforementioned case, after the Nocturn, the Mass of the Vigil of the Nativity of Saint John shall be celebrated, with the commemoration of the Vigil of the Holy Apostles. If, however, a feast of the first class occurs, two Conventual Masses shall be

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celebrated: one of the Office currently being observed after the Third Hour, and the other of the Vigil of the Nativity of Saint John after the Nocturn, with the commemoration of the Vigil of the Holy Apostles.

IV. If the Feast of the Nativity of Saint John the Baptist falls on June 28, the complete Second Vespers shall be of this solemnity, with the commemoration of the following Feast of the Holy Apostles, according to the rubrics.

V. Since, according to the aforementioned Decree of July 24, 1911, the Octave of the Commemoration of the Most Holy Body of Our Lord Jesus Christ is privileged, as is the Octave of Epiphany, within this Octave are also prohibited votive Masses for betrothed couples, as well as Masses with the chant of the Requiem for the first time after death, or after the announcement of its reception; on the day of the Octave, however, Masses of the Requiem for the dead are prohibited, which are permitted on that day, or for the day of death, along with the funeral Mass.

[*Latin ed. p. 353*]

Apostolic Signatura. 353 VI. The celebration of Mass with singing for the day, or for the day of death, or for the laying out [of the body], in the presence of the unburied, or even the buried, but not beyond two days, is prohibited on the following recently suppressed feasts, namely, the solemn Commemoration of the Most Holy Body of Christ, the Annunciation of the B.V.M., the solemn Commemoration of St. Joseph, and the Patron of the place. VII. Furthermore, the aforementioned Mass is prohibited on the feasts of the Solemnity of St. Joseph, the Most Holy Trinity, and on the Sunday on which the external solemnity of the Commemoration of the Most Holy Sacrament is transferred. Contrary provisions, even those specially mentioned, notwithstanding. July 28, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. ® S. f. Petrus La Fontaine, Bishop of Charyste, Secretary.

APOSTOLIC SIGNATURE. I. SEGUSINA. CONCERNING RIGHTS AND RESTORATION.

Between Anthony Tonda, Prelate of the Cathedral Church of Segusina, represented by his legitimate procurator, the advocate Anthony Lombardi; and Peter Viglione, Rector of the Church of the Suffrage, in Segusina, represented by his legitimate procurator, the advocate Vincent Sacconi.

In the subalpine city of Segusina, funeral rites were customarily celebrated in the church commonly called "delle Grazie," an auxiliary church to the Cathedral Church; the latter of which contained the old cemetery of the same city. However, in the year 1890, for the sake of public health, the Municipality of Segusina, having removed the old cemetery, arranged for the construction of a new one, located far from it. Thus, there arose the necessity of designating another church, where the Prelate of the Cathedral Church, who also performs the duties of parish priest in the same place,

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could properly perform the funeral rites. For this purpose, the church of St. Charles was chosen; but for a short time, because the Municipality did not consider it suitable. Then, when the same Municipality insisted that funeral Masses be celebrated in the presence of the body in the Cathedral Church, but the Chapter opposed this; ACTA, vol. III, n. 10. — July 31, 1911. 26

[*Latin ed. p. 354*]

From the Apostolic See. - Official Commentary. 354. Reverend Father Edward Joseph Rosaz, Bishop of Segusino, in order to resolve a dispute, and having received a contribution from the faithful, decided to erect a new church from its foundations under the title of Saint Mary of Succor (commonly known as Madonna dei Suffragio). Thus it is written on the foundation stone of the same church: "While (this church) will serve for the funeral rites of the city, it will also be a sanctuary to the Madonna of the Rosary." This church is located within the territory of the Cathedral Church, and a rector named Reverend Father Peter Viglione was appointed to it, who still administers it. For five years, that is, until the death of Bishop Rosaz, Rector Viglione never requested permission to celebrate additional Masses in the same church (regarding which there is now a dispute). Indeed, the aforementioned Bishop, by decree of July 15, 1885, in a complaint presented by Reverend Father Peter Peynetti, Canon and Provost of the Cathedral Church of Segusino, against the Chaplains or Rectors of the churches of the confraternities of the Holy Spirit and the Most Holy Name of Jesus, declared that a custom prevailed in the city of Segusino, according to which Rectors are prohibited from celebrating these additional Masses in non-parochial churches. Against this decree, the aforementioned Rectors appealed to the Holy Congregation of the Council, which, on May 20, 1886, responded: "The evidence regarding the prescription is to be extended and investigated." After this response was issued, the appeal was dismissed. After the death of Bishop Rosaz, Rector Peter Viglione requested from the new Bishop, Reverend Father Charles Marozzi, permission to celebrate additional Masses, both for the living and for the dead, in his church of Saint Mary of Succor, without the consent of the Parish Provost of the Cathedral Church. The Bishop granted this permission, but warned the Rector that the Provost would likely bring a lawsuit against him. And indeed, the Provost initiated legal action against Rector Peter Viglione before the Segusino court, which, with a final judgment of July 20, 1901, upheld the right of the aforementioned Rector to celebrate additional Masses in the church of Succor without the permission of the Provost. This decision was appealed to the Holy Congregation of the Council; however, since the Pontifical Constitution *Sapienti consilio* had been promulgated, the case was referred to the Sacred Roman Rota, which, considering the question: "Does the priest Viglione, Rector of the church of Succor, have the right, by law, to

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celebrate additional Masses, even funeral Masses, without the permission of the Provost, in this case?" responded on April 6, 1909: "No"; that is, "the priest Viglione, Rector of the church of Succor, does not have the right, by law, to celebrate additional Masses, even funeral Masses, without the permission of the Provost." Against this Rotal judgment, because it was not...

[*Latin ed. p. 355*]

Apostolic Signature. Regarding another judgment pronounced concerning the same cause before the Segusino Court, the aforementioned Rector Peter Viglione, exercising his right according to canon 33, § 2 of the Proper Law of the Sacred Roman Rota and the Apostolic Signature, appealed to the next Turnus of the same Rota Tribunal with the following question: "Should the Rota judgment in this case be confirmed or overturned?" To this question, the Rota Turnus, on March 5th of the year 1910, responded: "The Rota judgment in this case should be overturned."

Conversely, after this final judgment of another Turnus, the Prefect Anthony Tonda, parish priest of the Segusino Cathedral church, filed an appeal with this Supreme Tribunal of the Apostolic Signature, based on a claim of suspicion and a request for restitution in its entirety against the Rota judgment, which had become final. After this appeal was subjected to legal examination by the Most Reverend and Most Reverend Prefect, together with the Reverend Secretary of this Supreme Tribunal, according to canon 40, § 1 of the Proper Law, in an ordinary meeting held on the tenth day of the month of February of the current year 1911, after reading the opinion of the esteemed Consultor, it was decided: "Having considered the arguments of both parties in this case, the appeal regarding the exception of suspicion is rejected; regarding the request for restitution in its entirety, it is referred to the plenary session of the Most Eminent Judges. Therefore, the case was thoroughly examined in the ordinary session of the Supreme Tribunal held in the halls of the Vatican on the seventeenth day of the month of June 1911, with the Most Reverend Cardinal Sebastian Martinelli as the relator, and with the question previously agreed upon by the parties, namely: "Should restitution in its entirety be granted in this case?" The Most Eminent Judges responded: "Affirmatively." Regarding the judicial expenses, this Supreme Tribunal decided that they should be borne equally by the parties. And thus it was issued, pronounced, decreed, declared, and definitively judged; and it was ordered that this final judgment be made public and that it be enforced against all to whom it applies, not only etc., but also etc. Given in Rome, from the halls of the Supreme Tribunal of the Apostolic Signature, on the twenty-seventh day of the month of June in the year 1911. So be it. Nicholas Marini, Secretary of the S. A. S. T. L. §g S. 1. Joseph Adv. Fornari, S. T. A. Cfr. Acta Apostolicae Sedis, vol. II, n. 11, pages

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450 and following.

[*Latin ed. p. 356*]

356 Acta, Apostolicae Sedis. - Official Commentary. THE MAN FROM NOVARA. RESTORATION OF DAMAGES. Between Melchior Barberis, the appellant, represented by the legitimate advocate, Angelo D'Alessandri, and Joseph and John Carbone, the appellees, represented by the legitimate advocate, Vincent Sacconi. At the beginning of the year 1906, the priest Joseph Carbone, from Benevento, who taught mathematics in Novara, was received with friendly hospitality by the canon Melchior Barberis, and came to be in his acquaintance. Meanwhile, the aforementioned Father Carbone began to consider how he might provide a means for his brother, John, to profit in the same city of Novara through commerce. But since the man newly arrived in that city did not know what was necessary to be done to accomplish his plan, in this perplexity of mind, it seemed to him that nothing could be more fitting than to communicate his plan to his friend, Canon Barberis. He therefore approached Canon Barberis and opened his mind to him, namely, that he wished his brother, John Carbone, to be enrolled in some business enterprise, and that he was prepared to invest in it the sum of 15,000 lire. Then, Canon Barberis, considering especially the need for capital, which did not allow for great expectations of profit, responded to the priest Carbone, who was inquiring how he might accomplish his plan, by proposing the establishment of a company with the brothers Michael and Frederick Pinto, which would engage in the sale of instruments necessary for commerce, and thus, as they say, for industrial activities, with the hope of not inconsiderable profits. But since the aforementioned brothers Pinto were not as experienced in business as their father, Adalgis, the same Canon Barberis considered that the management of this proposed company should be entrusted to someone else. Nevertheless, Canon Barberis warned Joseph Carbone that Adalgis Pinto had, a few years prior, been imprisoned by creditors, and that therefore he had been detained in prison; although in the city, public opinion was that this grave offense should be attributed more to the malice and envy of rivals than to his own lack of knowledge and deceit. He encouraged Joseph Carbone, so that, in order to be more certain, he should consult with the Reverend Dominic Raspini, the president of the schools in which Joseph Carbone taught, regarding the usefulness of carrying out this business. This canon, Melchior Barberis, approved of the proposal and confirmed it with his judgment. Therefore, the priest Carbone, having accepted the advice of both,

[*Latin ed. p. 357*]

Apostolic Signature. 357. He first endeavored to form a company with his brother and with merchants Pinto. At first, things went well; but af-

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ter some time, when the partners, exceeding their own strength and ability, tried to carry on the business, the company, burdened with debt, was brought to the brink of ruin. Thus, John Carbone lost both oil and labor there. However, in the first days after the collapse of the company, the priest Carbone seemed determined to bear the misfortune of his brother; then, however, considering the gravity of the losses suffered by himself and his brother, he began to devise a remedy for the adverse fortune. Then it occurred to him that perhaps the law might favor him by bringing the matter to court before Novare. The ecclesiastical court appointed Canon Melchior Barberis to assess the damages, since he had given the advice that led to this. The court of Novare, after a properly instituted and legitimately concluded trial, on October 2, 1909, acquitted Canon Melchior Barberis of the charge. However, the plaintiff, Joseph Carbone, hastened to appeal this judgment to the Tribunal of the Sacred Roman Rota. The judgment of the appeal presented to the Sacred Roman Rota was settled between the parties on January 31 of the previous year, 1910, and the case was assigned for discussion to the Rota of Tournus on May 20 of the same year. During this period, the advocate of the appellant priest, Joseph Carbone, petitioned and obtained, on February 22, that a Judge Instructor be appointed, so that he might demonstrate with testimonies and evidence that Canon Melchior Barberis was the culpable author of the most serious damages suffered by the appellant. Therefore, witnesses were presented, and interrogatories were submitted by the advocate of the appellant, much to the reluctance of the defender of Canon Barberis; who, although at first he did not strongly object to such testimonial evidence, but rather reluctantly consented, when he saw the sequence of submitted articles, he raised objections against them, alleging that they exceeded the scope of the case; but in vain. For the Judge ruled, on July 10, 1910, that the instruction of the case should continue in the same manner, and he admitted all the articles presented, even those, according to the defender of the accused, Barberis, that did not pertain to the case. Both parties, who were standing in the trial, appealed from this judicial act or decree (as it was called). Specifically, the party that was standing for Canon Melchior Barberis appealed against the admission of testimonial evidence, which he had refused; and the party that was standing for the Carbone brothers appealed because of the rejected petition, that the instruction in the case should be carried out by a person from the court of Novare, which was an extraneous matter. But both appeals met with an unfortunate outcome. For, as to such incidental questions...

[*Latin ed. p. 358*]

358 Acta Apostolicae Sedis. - Official Commentary. Having been proposed for judgment once and again, on the 23rd of November, in the year 1910, it was decreed that, with only certain words deleted from the pro-

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posed questions, the aforementioned act, or decree, of the 10th of July, 1910, should be entirely confirmed. Against this most recent judicial act of the Rotal Court, or decree, an appeal was lodged with the Rotal Court by the patron of the canonical convent of Barberi. But the Court, considering the case, on the 5th of December, 1910, simply responded: "There is no place for this new appeal, and therefore it is dismissed." Subsequently, the appeal was brought before the Supreme Tribunal of the Apostolic Signatura. Indeed, the advocate for the Brothers Carbone endeavored with all his might to prove that this appeal could not be accepted by the Supreme Tribunal of the Apostolic Signatura, because in this case, it is not a question of an interlocutory judgment, but of an incidental controversy to be resolved solely at the discretion of the Examining Judge by means of a decree or rescript, according to the rules of the Tribunal of the Holy Rota. On the contrary, the advocate, Canon Melchior Barberi, asserted that, in this case, it is a question of a true and proper interlocutory judgment, as it is defined in law, insofar as the act of the 23rd of November, 1910, concerns an incidental controversy of the utmost importance, from which a grievance, irreparable in the final judgment, could arise to the detriment of his client. For in such a case, the introduction of these elements would completely change the nature of the cause, and would open the way to a judgment that would resemble a criminal proceeding rather than a civil one; therefore, the aforementioned act must be maintained as a true and proper interlocutory judgment. Since such an act, or judgment, does not conform to the introduction of the cause, it changes the nature of the same cause, and causes a very serious harm to Canon Melchior Barberi and to others who are brought into this judgment; for all these reasons, the aforementioned advocate for Canon Barberi maintains that the aforementioned act, or interlocutory judgment, of the 23rd of November, 1910, is unjust, and therefore null. These arguments of the aforementioned parties were thoroughly examined in an Ordinary Session of the Supreme Tribunal held in the buildings at Vatican, on the 17th of June, 1911, with the Reverend Father, Most Reverend Anthony Cardinal Agliardi, as the relator, and the doubts previously agreed upon by the parties were presented, namely: I. Is the judicial act of the Rotal Court of the 23rd of November, 1910, a true and proper interlocutory judgment? And, assuming an affirmative answer: II. Is this judgment null, and is there any place for it? The Most Eminent Judges responded:

[*Latin ed. p. 359*]

Diary of the Roman Curia. 359 To J. Affirmative, with equivalent effect to the appellation; To II. With the proposed articles of the inquiry removed, the cause is to be limited exclusively to the opinion given by the Reverend Barberis in December 1906. Regarding the judicial expenses, the Supreme Tribunal decided that they are to be compensated between the parties. And thus it was published, pronounced, decreed, declared, and definitively

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judged; and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it pertains, not only etc., but also every etc. Given in Rome, from the offices of the Supreme Tribunal, on the thirtieth day of the month of June, 1911. So it is. Nicholas Marini, from the Secretariat of the Most Holy Supreme Tribunal. L. S. Joseph Adv. Fornari, S. T. A. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. On the 27th day of the month of June, in the Apostolic Palace at the Vatican, the General Congregation of the Sacred Rites was held, to discuss the question regarding the heroic degree of the virtues of the Venerable Servant of God, Ludovica De Marillac, Widow Le Gras, Co-foundress of the Congregation of the Daughters of Charity. On the 11th day of the current month of July, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, to discuss the following matters: 1.° The introduction of the Cause of Beatification, or the Declaration of Martyrdom, of the Servant of God, Giacomo Salès and Guglielmo Saitemouche, of the Society of Jesus. 2.° The review of the writings in the Cause of Beatification or Declaration of Martyrdom of the Servant of God, Natale Pinot, Secular Priest, Parish Priest of Louroux-Beconnais. 3.° The review of the writings in the Cause of Beatification and Canonization of the Servant of God, Giovanni Battista Stoeger, Lay Brother of the Congregation of the Most Holy Redeemer. On the 25th day of the current month of July, before the Most Reverend and Noble Cardinal Domenico Ferrata, Promoter of the Cause, the Preliminary Congregation was held to discuss a miracle attributed to the Blessed Peter Luigi Maria Chanel, Priest of the Society of Mary (Marists), Protomartyr of Oceania, and proposed for his Canonization.

[*Latin ed. p. 360*]

360 *Acta*, Apostolicæ Sedis. - *Commentarium Officiale*. SECRETARIATUS STATI. HONORES. Sanctitas Sua, per litteras et per Breve Secretarii Statis, dignata est conferre honores sequentes: Commendam Ordinis Sancti Gregorii Magni, classe militari: 18 Iulii 1911. — Domino Capitano Honorario Donald Forbes, a Serenissimo Re Georgio V Angliæ designato ut officialiter Missionem Pontificiam durante festis coronationis esset secutus; — Domino Comiti Iosepho Ledóchowski. Commendam Ordinis Sancti Sylvestri Papæ. 24 Iulii 1911. — Domino Philippo Pedrell, Magistro musicae in Barcellona. Chivaleratum Ordinis Sancti Gregorii Magni, classe civili: 4 Martii 1911. — Domino Edmondo Verley, ex archidioecesi Cambraia; — Domino Leone Thiriez, ex archidioecesi Cambraia; — Domino Federico Tordeux, ex archidioecesi Cambraia. 6 Martii. — Domino Ludovico Thiriez, ex archidioecesi Cambraia; — Domino Mauricio Gharvet, ex archidioecesi Cambraia. 15 Martii. — Domino Eugenio Rigot, ex archidioecesi Cambraia. Chivaleratum Ordinis Sancti Gregorii Magni, classe militari: 21 Iulii 1911. — Domino Ioachino

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Antonelli-Costaggini, Leucatenente Guardia Palatina honoraria. Chivaleratum Ordinis Sancti Sylvestri Papæ: 21 Iulii 1911. — Domino Avvocato Ioanne Ingebrigtsen de Hammerfest, (Lapponia). MAGGIORDOMATUS SUA SANCTITATIS. NOMINATIONES. Sanctitas Domini Nostri, per litteras Eminenti Rmi. Domini Maggiordomi, dignata est nominare: Camerarios secretos supernumerarios: 10 Iulii 1911. — Episcopum Eduardum Endrici ex dioecesi Tridenti. 11 Iulii. — Episcopum Iosephum Bellon, ex archidioecesi Algerii. 13 Iulii — Episcopum Ferdinandum de Schoemburg, ex dioecesi Linz; — Episcopum Carolum Edelmüller, ex eadem dioecesi; — Episcopum Ruperto Buchmair, ex eadem dioecesi; — Episcopum Antonium Polánsky ex dioecesi Budweis; — Episcopum Achille Carletti, ex dioecesi Pesaro. Camerarios secretos gladii et cappæ supernumerarios: 6 Iulii 1911. — Dominum Militem Albertum Ioannem M. Kubinzky. 11 Iulii. — Dominum Baronem Carolum Iosephum Thoma Becquet de Tégilìe. Camerarium honorarium in habitu paonaceo: 6 Iulii 1911. — Episcopum Stephanum Ghidini, ex dioecesi Mantua.

[*Latin ed. p. 361*]

Year III. - Vol. III. August 16, 1911. No. 11. OFFICIAL COMMENTARY OF THE ARCHDIOCESE. ACTS OF POPE PIUS X. I. APOSTOLIC LETTER. CONSTITUTION REGARDING THE LAW OF FASTING AND ABSTINENCE TO BE OBSERVED IN DALMATIA. PIUS X. For the sake of posterity. — Our predecessors, the Roman Pontiffs, supreme guardians and enforcers of the sacred disciplines, have often, when weighty reasons arose, consulted with paternal concern for the spiritual and corporal well-being of the Christian people, and have accustomed to alter and diminish the sanctions of ecclesiastical laws. Indeed, the Venerable Brother Vincent, Archbishop of Laodicea, on behalf of himself and the suffragan bishops of Dalmatia, who recently, with diligent vigilance, examined the needs of the people of that region at the Episcopal Assemblies held in Pharia, humbly presented to Us petitions, so that, in order to prevent the transgression of the ecclesiastical law concerning fasting and abstinence, and also to provide a necessary remedy, not only for the weakness caused by the scarcity of food, but also for the domestic economy due to the increasing price of food, especially fish, We might, with Our benevolence, extend the law of fasting and abstinence, which We reformed through a Decree of the Holy Office on September 5th of the year 1907, for all of Italy, to Dalmatia, with the necessary modifications. We, knowing that from this relaxation of the law of abstinence, more spiritual and temporal benefits will happily befall the people of that region, having considered the aforementioned acts of the Archbishop and the Bishops, Vol. III, No. 11, pages 8-9.

[*Latin ed. p. 362*]

362 Acta Apostolicae Sedis. - Official Commentary. Receiving these de-

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sires with a willing spirit, We, by the fullness of Our Apostolic authority, enact the following for the entire region of Dalmatia, to remain in force perpetually from this present time: We command, firstly: That a fast be observed through strict abstinence from meats and from all things derived from meat, namely butter, cheese, eggs, and from any animal fat as seasoning, for only these four days each year: on the Saturday of the Fourth Week of Lent; on the Saturday of Holy Week; on the eve of the Assumption of the Blessed Virgin Mary; and on the eve of the Nativity of Our Lord. Secondly: That a fast be observed through non-strict abstinence, that is, from meats only and from anything derived from meat in any way, so that it may be permissible to eat eggs and dairy products freely during the main meal, and to use seasoning from any fat, butter, margarine, and the like, both during the main meal and during the lighter meal, on these following days each year: on Ash Wednesday; on the Saturdays and Sundays of Lent; on the Wednesdays and Saturdays of Advent; on the Wednesdays, Saturdays, and Sundays of the Fourth Week; on the eve of the feast of the Holy Apostles Peter and Paul; on the eve of the Annunciation of the Blessed Virgin Mary, if it falls during Lent; and finally, on the eve of All Saints' Day. Thirdly: Since for many citizens of Dalmatia, the drinking of coffee in the morning can be a very burdensome and troublesome thing for their stomachs, We grant permission, so that on the days indicated in the preceding section II, with the exception of the Saturdays of the Fourth Week, it may be permissible to mix milk with coffee in the morning, or to use it plain, freely. Fourthly: We further decree that this abstinence from meats only and from anything derived from meat be observed throughout Dalmatia, also on all other Fridays throughout the year, without, however, any obligation of fasting, and consequently, without any distinction in the use of eggs, dairy products, and seasonings. Fifthly: Finally, We command that in all the dioceses of Dalmatia, a fast be observed throughout the entire season of Lent, except for the days already mentioned above, so that it may be permissible to eat meat only during the main meal, but to use seasoning of fats, butter, and the like during the lighter meal. Regarding the mixing of meats and fish in the same meal, We completely forbid it on the days on which fasting is prescribed, and during Lent, even on Sundays; therefore, We wish that all those who are dispensed from the abstinence from meat may not use such a mixture during the entire season of Lent, on the Wednesdays and Saturdays of Advent (for in Austria, fasting is prescribed on the Wednesdays and Saturdays, but not on the Sundays, of Advent), and finally, on the days of the Fourth Week and on the vigils mentioned above. Sixthly: Furthermore, complying with the desires of the Bishops of Dalmatia.

[*Latin ed. p. 363*]

363 We grant to the Reverend Fathers the faculty, except during the

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time of Advent and Lent, to anticipate, either for the entire Diocese, or according to various circumstances for designated places, either the fast or the abstinence, to another free day; or even, in cases of the most serious necessity, whether for the sake of solemnities or the gathering of the people, to dispense entirely the faithful from both the obligation of fasting and of abstinence. VII. Finally, heeding the requests of these same Prelates, we grant that Regular members of both sexes residing in Dalmatia, who are not bound by a special vow of abstinence or fasting, may lawfully enjoy and avail themselves of a dispensation, according to Our Apostolic benevolence, as do simple faithful. We decree that these present Letters shall always remain firm, valid, and efficacious, and shall fully and completely produce and obtain their intended effects, and that they shall fully suffice for those to whom they pertain, and that in the aforementioned matters, due judgment shall be rendered, and that, from that moment, anything contrary to these shall be considered void and null, if anything concerning these matters should be attempted knowingly or unknowingly by any authority. Finally, we decree that, even copies, or exemplars, of these present Letters, whether printed or handwritten, signed by a public Notary, and sealed with the seal of a person in ecclesiastical dignity or office, shall have the same full faith given to them as if the present Letters themselves were exhibited or shown. Notwithstanding any contrary provisions. Given at Rome, near St. Peter, under the Fisherman's Ring, on the tenth day of June, in the year 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, L.)$(S. » Secretis Status. THE CHURCH OF THE BLESSED VIRGIN MARY ASSUMED INTO HEAVEN IN THE TOWN OF GANDINO, DECORATED WITH THE TITLE OF MINOR BASILICA OF THE DIOCESE OF BERGAMO. PIUS PP. X. * For the perpetual memory of this matter. — We gladly adorn conspicuous places of God, which excel not only in antiquity but also in the works of art, and especially in the outstanding piety of the faithful and other praises, with the highest honors and privileges, so that the celebration and reverence of the Christian people may increase in them through the increased splendor of worship. Now, it has come to Our knowledge that in the town commonly called "Gandino" of the Diocese of Bergamo, there exists a Chapel* which, by concession of this Apostolic See, is dedicated to four most important heavenly Patrons, and according to the judgment of the Holy Prelate Charles...

[*Latin ed. p. 364*]

364 Acta Apostolicae Sedis. - Official Commentary. The Chapter of Borromeo, which has existed since ancient times, and which was duly consecrated in the twelfth century, is therefore deserving of the highest honors, and we are pleased to bestow them upon it. For this emblem of religion, and especially a monument of ancestral piety towards the Blessed Virgin,

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recently restored with the generosity of the citizens, contains a chapel and altar dedicated to the Virgin Mary of Loreto, which this Holy See has frequently enriched with the treasures of indulgences, due to the frequent visits of the people attracted by miracles. Furthermore, this sacred edifice, abundantly furnished with rich furnishings, preserves in silver chests and urns the relics of Saint Pontian, Pope, of the martyrs Valentinus, Flavius, and Quirinus, transferred from the ancient Christian catacombs of this venerable city, as well as the bodies of the holy martyrs Placidus, a monk from the shores of Sicily, and his sister Flavia, and of the brothers Eutyches and Victorinus, all of whom are venerated there by the faithful with the utmost devotion. Moreover, the clergy of this temple have contributed greatly to its splendor, having been deservedly endowed with privileges and distinctions by the Apostolic See, and diligently performing the duties of their parish. No less worthy is the contribution of the pious confraternity known as the "Most Holy Sacrament"; consisting of honorable and virtuous men, it constantly strives to enhance the beauty and splendor of divine worship, thus fully responding to the efforts of the clergy. Finally, it must be noted that the citizens of this town, many of whom have distinguished themselves through ecclesiastical offices, good arts, or even military virtues, have always cared for the splendor and majesty of their temple. Given these circumstances, and considering the humble and heartfelt prayers offered on behalf of the entire city, both by the clergy and by those who administer the fabric of this temple, and supported by the recommendation of the Bishop of Bergamo, we have deemed it fitting to receive these prayers favorably, and we consider this temple worthy of being raised to a higher degree of honor. Therefore, by our Apostolic authority, in the presence of all, we hereby elevate the aforementioned parish church, dedicated to the Virgin Mary, assumed into Heaven, which is located in the town commonly called "Gandino," within the boundaries of the Diocese of Bergamo, to the title of Minor Basilica, and we grant it all the rights, privileges, prerogatives, honors, and indulgences that rightfully belong to the Minor Basilicas of this our venerable city. We decree that these present letters shall be firm, valid, and effective, and shall have their full and complete effect, and that they shall fully apply to those to whom they pertain, now and in the future, and that in all matters concerning the foregoing, judgment shall be rendered accordingly, and that anything to the contrary shall be considered void and of no effect.

[*Latin ed. p. 365*]

365. Acts of Pope Pius X concerning these matters, regarding which, by anyone, with any authority, it may have happened, knowingly or unknowingly. Notwithstanding any contrary things. Given in Rome, at St. Peter's, under the seal of the Fisherman, on the twenty-eighth day of June, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Pre-

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fect of the Sacred Congregation of the Holy Office. LETTER TO HIS EMINENCE, GREGORY MARY, of the Holy Roman Church, Archbishop of Toledo. Beloved Son, greetings and the apostolic blessing. — Indeed, it was not doubtful to Us that the Eucharistic Congress, which was held in recent days in Matriti, would have a prosperous outcome; but that it would proceed so happily and splendidly, as it did, We did not expect. Certainly, Hispania catholica, with outstanding men from all parts of the world as witnesses, wished to demonstrate that it yields to no one in love for Jesus Christ and in the worship of His religion, which is entirely directed towards the Eucharist; and this was wonderfully demonstrated, when so many people from every order, with such fervor of spirit, publicly displayed such outstanding signs of piety, setting an example to all, following the Catholic King. First, therefore, We give great thanks to the merciful God, Who, at a necessary time, looks upon Hispania, stirring up the ancient faith of the people with the ardor of His charity; and We pray that He may direct this very thing, not only for the benefit of individuals, but also for the common good. Then We congratulate you, who have duly fulfilled the office of Our legate at this congress, and also the others, who, under your leadership, assembled together; but especially We congratulate the august King, to whose majesty so much honor has been added through the devotion shown to Christ the Lord. We are truly glad that the common resolutions have already produced a remarkable fruit, with the institutions celebrating, with great solemnity, pious vigils at night in the Escorial, praying to the Mystery of the Eucharist; in this very matter, We know that the august House has led the way in religion. Therefore, with equal zeal, pursue what remains, strengthened by divine help; of which We bestow, upon you, beloved Son, and upon all of Hispania, Our apostolic blessing. Given in Rome, at St. Peter's, on the tenth day of July, 1911, in the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 366*]

Acta Apostolicae Sedis. - Official Commentary. 366 SACRED CONGREGATION OF THE COUNCIL. I. OF THE DIOCESES OF NULLIUS OR OF MONTECASSINO. SUMMARY OF THE DISCUSSION. — Not far from Montecassino, within the boundaries of the celebrated Abbey, there exists an ancient city called Atina, whose principal church, dedicated to the Assumption of the Blessed Virgin Mary into Heaven, was formerly the seat of a bishopric. Now, however, although the church is of the Nullius jurisdiction, it exists only as a prebend, and its abbot is the Abbot of Montecassino, who is also called the Apostolic Prefect of Atina. From the beginning, this church has been a parish, and until the year 1767, the care of souls was entrusted to the chapter, which, however, initially entrusted the exercise of this care to individual canons, who succeeded each other in turn, and then, retaining the habitual care for themselves, the same chapter entrusted the

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actual care to a canon, also under the title of vicar, whom it was customary to appoint or nominate every three years. However, in the year 1767, the chapter, "because, for a long time, through continuous experience, it has been known that the quality of a temporary vicar does not bring full advantage to the souls, because not always, nor all, invest themselves with that zeal which is fitting, and of which, ordinarily, permanent pastors are invested, because they are not mercenaries, but declared true shepherds, and moreover, it is also observed that much labor yields few results," as can be read in the chapter acts, relinquished the habitual care, or at least the right to appoint a vicar, and decreed that the spiritual care of the entire city and its adjacent territory should be permanently entrusted to the canon who was first among the four richest to become vacant, provided that, as was fitting, the Abbot had also approved. The revenue of the canonry to which the care of souls was to be entrusted was to be divided between two canons, to be chosen "by the Reverend Prefects in office, after previous announcements and with the concurrence, in the same manner as is done for all the other parish churches, according to the prescriptions and form of the Most Holy Council of Trent." Therefore, two canonical and parochial benefices were to be created from one canonry, and the chapter also intended to assign the revenue of another simple benefice, now called after Saint Roch, to the same canons who would be chosen in the future.

[*Latin ed. p. 367*]

Sacred Congregation of Councils. 367 These canons, moreover, were not to exercise the care of souls in solidum over the entire territory, which was already under the jurisdiction of the chapter, but the territory itself ought to be divided into two parts, so that each would have its own people. However, the chapter, while on the one hand seeking greater glory for God, and ensuring that better provision would be made for the care of souls in the future, "voluntarily ceded the habitual care, which resided with it, and will reside, and agreed that, instead of electing vicars from itself, they would be provided by the Monsignor Prelate, with the prior concurrence of [the canons], and, as has been explained, provided for the support of these canons. On the other hand, it did not fail to consider its own rights, privileges, prerogatives, and emoluments, over the vicars, as it had previously held. Therefore, it established certain conditions under which the establishment of these two perpetual cures should take place, conditions which it submitted for approval to the Prelate-Abbot, and which I deem it worthwhile to reproduce in their entirety, since the entire question under consideration ultimately revolves around the manner in which these same conditions, proposed by the chapter and subsequently approved by the Abbot, should be interpreted. These conditions are as follows: "1. That just as these canons will be able to administer the Sacraments in this church, and will have full and free exercise of the cure, also holding the keys of the

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Sacraments and sacramentals, so they will not acquire any special right or advantage in the rest [of the territory], and especially in the choir, where they will have their place and stall according to seniority in order as canons. "2. That the functions should belong, as has always been customary, to the canon and rector, and on solemn days to the dean, and respectively to the superiors, even if these are functions to which the Venerable [Abbot] might be exposed for the Forty Hours, or even by mere parochial right, or which by law belong to the parish priest. Thus, processions through the city should belong to the chapter, saving the authority of the Monsignor Prelate, without the consent of these vicars being required. Furthermore, concerning baptisms, they will not be able to prevent that sometimes one of the canons may administer them, according to the circumstances that may arise, or if they are particularly requested by others. "3. That even in the associations of the dead, the honor of carrying the stole should remain with the canon and rector, as is customary, who then has precedence over all the canons for that purpose, so that the canon-vicar must go to his usual place in order, as if he were a semi-canon."

[*Latin ed. p. 368*]

368 Acta Apostolicae Sedis. - Official Commentary. "To the canonical prebend, and therefore to the one who wears the stole, shall still belong the 'blessing and the removal of the deceased from the house of the deceased, and the celebration of the Office in the church over the same deceased, both in the collegiate church, as well as in any other regular or secular church of said city."

"4. Regarding the Masses to be sung over the deceased, and also on the 3rd, 7th, and 30th days, and on anniversary days, it shall belong, according to custom, to the canonical prebend, since it is customary for all sung Masses and read Masses of funerals to be celebrated by canons in turn, as also in the occasional Masses offered for the souls of the faithful. In this way, the canonical pastor shall participate in such functions and honors only in his capacity as a mere canon, and only when it is his turn as pastor or in turn.

"5. In order that the chapter may not be burdened in its emoluments or distributions derived from lands, houses, censi [rents], and the mill which it holds undivided and in common, and which serve for the Masses of the daily distributions, and over which the canonical pastor has participated in his capacity as a canon, and not as two, so that the two future canonical pastors over the aforementioned current revenues of the aforementioned properties, shall participate only in a single portion, that is, half for each, and this both in honors and in burdens.

"6. With regard to future pious bequests left to the chapter after the effect of the erection of two canonical pastors, as well as in the small or manual distributions of the sung occasional Masses, and also to the accompaniment

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of the deceased, or similar things, these two new canonical pastors shall be included not only for one, but for two parts, that is, one for each, equal to every other canon.

"7. These pastors, as they shall divide the revenues of said first vacant canonical prebend, shall each bear, as has been mentioned, the burdens of said simple benefice, and at the appropriate time, shall also divide the tithes, which the people usually give in grain, grain from India, or other things, and also the emolument of the blessing of the houses on the eve of the Epiphany and on Holy Saturday, without the rest of the chapter participating, except for the portion usually given to the sacristan, so that after the territory of the city has also been divided between them, a single sum shall be made of these emoluments to maintain equality in earnings between these two pastors, who, however, in this respect shall be entitled to nothing in all other oblations that are made in the church, especially of grain, legumes, and other things that are offered by the faithful on the day of the Commemoration of the Dead. Furthermore, these pastors will benefit from the contribution usually made by the community and the hospital of Atina, amounting to six ducats per year for Christian instruction, and from..."

[*Latin ed. p. 369*]

Holy Congregation of the Council. 36. "The Chapel of the Rosary in the other annual ducal territories is intended for the public recitation of the Rosary three times a week, and the same applies to any other emolument drawn from their parish books, but they shall not claim anything from the offerings at funerals, either within the collegiate church, or in the other regular churches, all the first and fourth offerings of the latter, as is customary, remaining for the benefit of the church.

8. That these two canons-curates shall serve in the choir when they have no current impediment to the exercise of their ministry, but furthermore, each of them shall bear the entire cost of the customary Mass, and the other Mass for the people on feast days, as does every other canon, and in all respects, as canons, they shall perform and bear all the other burdens that are borne by the other capitular members, since both of these future curates are received and admitted into the collegiate body, with the right to participate and vote in chapter meetings, and with all the other rights, insignia, and privileges enjoyed by the other canons.

9. That these curates may never claim any particular payment from the chapter for this burden of the cure, nor even the right to the "Ius Campanæ" [right to the bell] or "Ius Stolae" [right to the vestment], especially since the chapter admits them to the enjoyment of an entire portion for each of them of the manual distributions of associations for the dead, of sung Masses, and other things as mentioned above, and furthermore, the burden of the Mass for the people is added, which will be divided as mentioned above,

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and which should rather be borne by these two canons-curates alone.

10. That the division of the territory is considered to be made as follows: To one, the parish of St. Charles, and the other of the vineyard; to the other, the parish of Santa Maria, of the Fountain, and of St. John, and also Selvapiana and Colle. That the rest of the uninhabited territory remains in common, and promiscuous, just as the inhabited district of Rosanisco will remain.

11. That when the effect of the present erection of the two curates is given, it shall remain at the discretion of the Preposit to first issue the edict for one of them, and on another day for the other, or on the same day, and at his discretion, to assign one to that half of the territory that pleases him, and the other to the remaining portion.

12. Thus, the division of the revenues of the canonry, and benefice, the Preposit may make through experts beforehand, and assign one to one, and the other to another of the future curates, or after the competition, allow the two elected to divide it among themselves.

13. Thus, it remains at the discretion of the prelate to allow one, and then the other of the two, to take possession first, as he sees fit.

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis. - Commentarium Officiale. « 14. That of these two curates, each shall exclusively exercise the care « of that portion of the people who are found within that half of the city's « territory assigned to him, and shall exercise his pastoral duties over them. « However, within the church, they shall administer the care alternately, « each holding a key to the Holy Tabernacle, the Baptistery, and similar places, « and together they shall impart Christian instruction, and regarding the « explanation of the Gospel, one shall preach in the morning, and the other « during the solemnities of the sung Mass, or in another manner as directed « by the Reverend Preposit. However, each shall preach to the people « about the marriages or other matters of their respective parishioners, and « concerning the bringing of the Holy Eucharist to the sick, each shall also « bring it to their respective parishioners, but if one curate is to go out « with the Eucharist, he shall also bring it to the sick of the other curate, « without any legal obligation. « 15. That whenever these two curates, who shall have no other title « than that of canon-curates as mentioned above, require assistance in « the administration of the care, they shall provide other approved « assistants at their own expense, and it is understood that in every other « case, these canon-curates shall, due to infirmity, old age, or other « reasons, become unable or incapable of fully or partially bearing « the burden of their respective care, and that any substitute shall be « at their expense. However, in every case where an assistant is needed, « they may also be compelled by the Reverend Preposit. « 16. Also, for the benefit of these vicars-curates, there shall remain « one hundred Masses

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to be celebrated (as has been customary for the « vicar-curate) which are derived from the chapels erected within the « collegiate church for their benefactors, and of which they shall receive « the manual alms of one carlin each, but with the obligation to apply them « to said benefactors, and to celebrate the Mass of the morning in said « church on feast days for the convenience of the people. « 17. Furthermore, in the event of the death, resignation, or other « reason for the vacancy of one or both of these canon-curates, the « Reverend Preposit shall have the faculty to appoint an administrator « for the aforementioned care, but they shall have no right to participate « in the choir, and other functions of the chapter, and much less to « participate in the Mass, and the daily distributions, nor in any other « matter concerning the right and canonical quality, but said distributions, « and other things during such vacancy shall be for the benefit of the « chapter, and shall be increased to those interested, and the same shall « apply even if a chapter member is elected as a substitute, who shall « participate in such distributions of the vacant care as the others « 'iuxta servitium'. "

[*Latin ed. p. 371*]

The Holy Congregation of Councils. 371. These supplications, or these conditions, were graciously accepted by the Prelate of Atina, who at that time was Hyacinthus Sardi, Bishop of Aquino and Pontecorvo, during a sacred visitation, and confirmed by a decree dated June 10, 1767. In this decree, among other things, the following is read: "Having heard the accounts, etc., we, desiring to provide for the salvation of souls, and for the good governance of those souls, deem it fitting to establish two perpetual benefices in our aforementioned illustrious collegiate church of Saint Mary Assumed into Heaven of this our city of Atina, as follows: by our authority, and by the Holy Council of Trent and the Apostolic Constitutions attributed to us, and by all other better law by which we are empowered, we establish and institute perpetually two perpetual presbyteral benefices for future canonical curates, who shall personally reside there and exercise the aforementioned care of souls, and shall serve God and the parishioners therein, and administer the ecclesiastical sacraments to them, and all other things that ought to be done... we establish and institute perpetually. Therefore, since the same chapter has relinquished the habitual care and the ancient right of choosing a vicarious curate for the greater benefit of souls, we have deemed it fitting to transfer the aforementioned benefices to the first available perpetual position in the aforementioned collegiate church, and therefore, from this time forward, and when a vacancy arises, we permanently transfer, annex, and incorporate the same two benefices of souls through the means of a perpetual union: so that those who are canonical curates shall be obliged to administer all sacraments to the people, and to serve in the church, as the vicarious curate for three years was obliged,

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leaving the church in its usual state, and the same chapter in all and each of its ancient privileges, prerogatives, and rights, with respect to the DD. canonical curates, and with the pacts, conditions, and reservations contained in the aforementioned petitions, which we approve, remaining in full force and effect, and we decree and command." These provisions seem to have been well-intentioned; but unfortunately, it happened that they could only be put into effect after a long time. Indeed, only one of the four canonical positions, from whose revenues the two parochial benefices were to be established, became vacant in the year 1801. Meanwhile, in the year 1792, all the canonical positions of the Prelature of Atina were subjected to royal patronage. Therefore, it happened that only in the year 1804, after the King had appointed him, could the first canonical curate be established, according to the aforementioned decree issued on June 10, 1767. This was James Sabatini, the same one who had already, before the year 1804, exercised the care of souls as the vicarious curate designated by the Chapter for a period of three years. Indeed, until the year 1804, the care of souls in the city of Atina and its...

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis. - Official Commentary. In the territory of *gesta*, it had always been the practice that, even before the year 1767, a vicar, namely a curate, was appointed, who was designated by the chapter every three years to carry out this duty. As it appears, not until the entire year of 1804 were those things which had been established in 1767 put into effect. For not two curacies were established, nor were two canonical curates appointed, but only one, so that it is the common opinion that Joseph De Mellis, the Bishop of Aquino and the Prefect of Atina, had issued a decree before this, in which he named or confirmed a priest named James Sabatini as a canonical curate, thereby changing what had been sanctioned by his predecessor in 1767; but this decree, unfortunately lost in a fire, is no longer found. While the first canonical curates were being elected, the canonical curate himself, Father James Sabatini, acted as if his position remained entirely the same as before. Therefore, he continued to act as a vicar curate, and he performed all the parochial functions, even funerals, as it seems, which, according to the decree issued in 1767, were reserved to the chapter. His successors, who were only three, before the curate who actually exercised the office took possession of it, were called "canonical curates" by the King; but they were also often designated in the public records by the Curia of *Montis Cassini*, to which, in the meantime, the church of the territorial abbey of Atina had been annexed by Pope Gregory XVI in the year 1835. Thus, around the middle of the century, both the Abbey Curia of *Montis Cassini*, and the canonical curate, and even these same canons, seemed to be uncertain as to what the true rights concerning the care of souls actually were, whether for the canonical curate or for the chapter,

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so that a question arose between the priest Martin, the actual canonical curate, and the other canons, especially regarding the right to wear the stole at funerals, to perform those same functions, and to have precedence in funeral processions. Therefore, the Reverend Abbot Celesia, on May 23rd of the year 1851, issued the following decree in a sacred visitation to resolve the question: "In order to avoid the causes of discord between the chapter and the canonical vicar curate in maintaining their own rights, We have considered it fitting in the Lord to establish and decree that all those things which pertain to the care of souls, namely the administration of the sacraments, the blessing of corpses, and the late visitation of the Most Holy Sacrament, be performed by the vicar curate, but in such a way that, in the association of corpses, whether of adults or children, the vicar curate shall wear the stole, and shall maintain his place in the order of the canons. In the funerals of priests, however, the custom shall be observed that the parochial functions be performed by the canon, to whom..."

[*Latin ed. p. 373*]

Sacred Congregation of the Council. 373 « Whether these pertain [to the chapter]. The remaining matters which properly belong to the functions of the chapter, whether they relate « to the care of souls, such as novenas and processions, or concerning « the rubric, or custom, or for some necessity, and other similar things, are performed by the chapter, or by the canonical dean, or by the hebdomadary, according to the custom of the church. And in the aforementioned « processions, as has been the ancient custom, even when the « chapter proceeds, only the canonical insignia are carried, or a member of the choir or the hebdomadary wears a stole. Furthermore, if at any time, for devotion, « or for some other reason, a triduum is celebrated with the exposition of the Holy Tabernacle, it should be considered as a function of the chapter. Finally, we declare that we have no intention of harming the rights of either party by our decree, so that at any time, if a better understanding of the matter is obtained, a more correct judgment may be rendered on the question. The matters have become increasingly complicated since, in the year 1861, the laws for the suppression of ecclesiastical property decreed the confiscation of the goods belonging to collegiate churches that had not been cared for; then, in order to defend itself against the government, the chapter, as well as the deceased Abbot and the actual canonical curate, obtained declarations or testimonies from either the abbatial curia or the municipality of Atina, in which their parochial rights were recognized. In addition to this, the actual canonical curate, the predecessor of the Most Reverend Martin, held the canonry of the Saints Marcian and Stephen, to which the care of souls is attached, for almost sixty years, until his advanced old age. It is therefore easy to see how it could have happened that, while he was already unable to perform his duties due to his advanced age and failing eyesight, certain tasks which properly

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belonged to the canonical parson were performed by the canons, especially since, at the same time, one of the two curates assisting the canonical parson was also suffering from illness. These matters are mentioned not for any other purpose than to make known the origin of the question on which judgment is to be given at present, and also to allow the reasons presented by the parties to be assessed. Therefore, given that the situation was as described above, it is not surprising that, when, in the year 1903, the Most Reverend Maximinus Corsi was appointed as the new canonical curate, the same questions arose between him and the chapter, which had already been simmering for more than a century between the same chapter and the predecessor of the actual canonical curate. Indeed, the chapter itself, in a way, provided the occasion and opened the way for these questions to be raised again. For, before a new...

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis. - Official Commentary. The canon and pastor, having been appointed to the possession of his canonry, was required by the chapter to make a declaration, in which he was to state that he would exercise the care of souls only as a vicarious pastor, and that, even though in the letters by which he had been elected by the Abbot to govern the parish, he had been designated as a canon-parish priest. But, whether summoned by the Chapter, or rather, to prevent any diminution of their rights, the new pastor added the following to his declaration, as a commentary on the declaration itself: "In this sense, fully conforming to the statutes, I intend to take possession of the parish." Therefore, in order to resolve the questions that were already arising, and to restore harmony between the new canon-parish priest and the other canons, the deceased Abbot Boniface Maria Krug of Montecassino, following in the footsteps of his predecessor, Abbot Celesia, issued a decree on October 5, 1906, by which he established the following: Decree concerning the relations between the pastor and the chapter of the Prepositura of Atina. "On December 8, 1904, a question arose in the cathedral church of Atina between the pastor and the dean of the chapter concerning parochial rights, which the dean was holding back, because the dean had, contrary to his prohibition, administered the Holy Viaticum to a sick person under his care. We were then consulted. We saw that, with the passage of time, and with the calming of tempers, the matter would not require our intervention. But then, on September 15 of the current year, another question arose concerning the right to carry the stole in the accompaniment of the deceased: in order to put an end once and for all to questions of this kind, we decided to order, and we order by the present decree, that: 1. In the functions in which the Chapter participates, every act, even if parochial, shall be performed by the eddomadario [chief canon], and all the more so since in the act of erection of the parish in the chapter church of Atina on June 10, 1767, with the reservations made and

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accepted in item 1, it is stated: "The functions shall belong, as has always been customary, to the canon and eddomadario, and on solemn days to the dean." In item 2, it is also stated: "In the processions of the deceased, the honor of carrying the stole shall remain with the eddomadario, so that the canon and pastor shall go to the usual place in order, as if he were a simple canon. And to him who carries the stole shall belong the blessing, and the removal of the deceased from the house of the deceased." Finally, in item 4, it is stated: "Concerning the Masses to be sung over the deceased, and also on the 3rd, 7th, and 30th days, and on the anniversaries..."

[*Latin ed. p. 375*]

Sacred Congregation of Councils. 375 "The yearly day also belongs to the canon, just as do 'the Masses offered for the benefit of the faithful.' All of this is understood 'with respect to the collegiate body united together.' And it is true that the pastor wrote in a letter dated September 23rd of the current year, and in his defense of February 17, 1905, no. XII, 'that by custom and contrary law, the right of honor to wear the stole in the association of the dead has ceased in the chapter, and therefore in the hebdomadary [a week-long cycle of services], but until the contrary custom and law are proven, what is stated in the aforementioned act of the erection of the parish will remain in force. However, it must be understood that since the chapter will only, for honor's sake, wear the black stole in the association of the dead, as stated above in no. 3, the chapter must also establish matters in such a way that, except for the appropriate compensation for the work of the individual canons, including the pastor as a canon, the pastor will not be deprived of his ordinary emolument related to the wearing of the black stole in such circumstances. Indeed, given the greater solemnity with which the association is performed when the chapter is present, it is fitting that the pastor also participate in the solemnity with a greater emolument. And this seems to have been intended in the act of the erection of the parish in no. 6, where it is established that the pastor shall have what every canon has, without mentioning any special emolument for the black stole that might have been received, and therefore leaving it to the pastor exclusively, when it has been assigned to him. Moreover, in those functions in which the collegiate body does not participate, these will belong solely, and with all exclusive right, to the pastor *pro tempore*, except only for the administration of baptism in some cases, because this alone, and sometimes, therefore not always, has been reserved to be administered by some of the canons. Indeed, in no. 2 of the aforementioned act of the erection of the parish, it is stated as follows: 'Regarding baptism, they [the pastors] shall not prevent that sometimes it be administered by each of the canons.' But even here, in order to preserve peace and order and the dignity of the chapter, and to avoid possible inconveniences, we order that, from now on, no canon may undertake this act, unless for some relative or friend, and moreover, always

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with the prior knowledge of the pastor, as appears to be implied in the very words of the act of erection. Even here, however, it must be understood that the rights of the white stole must be preserved for the pastor. For the rest of the Sacraments and Sacramentals, apart from baptism, no canons shall interfere; remembering that in the aforementioned [passage],..."

[*Latin ed. p. 376*]

376 Acta Apostolicae Sedis. - Official Commentary. "The act of erection of the parish states in paragraph 1 that only the canons, or 'curates, or substitute pastors,' shall administer the Sacraments in the church, and shall have the full and free exercise of the care, retaining also the keys of the Sacraments and Sacramentals." "Let this our decree be affixed in the sacristy and fully observed until new dispositions, under penalty of our arbitrary judgment reserved." "Given from our curia of Monte Cassino on the 5th of October, 1906. "Boniface Mary, O. S. B., "Abbot Ordinary of Monte Cassino and Preposit of Atina. "Faustino, Knight of Meo." Against this decree, several months later, in the month of February of the year 1907, the chapter held a review first with the Abbot himself, then with the Most Holy and Reverent Fathers, and afterwards the question was referred to the judgment of the Sacred Holy Congregation, while in the meantime the Constitution *Sapienti Consilio* was promulgated. The deceased Abbot, and afterwards the Sacred Congregation itself, from the beginning, sought to resolve the matter in a good and equitable manner, especially since the decree of the 5th of October of the year 1906 had not been irrevocably promulgated, but rather, as with the decree of Abbot Celestine, it was only issued "until new dispositions." In order that it may be known how the matter truly stands, it may perhaps be useful to refer to what occurred concerning these efforts to resolve the matter in a good and equitable manner. Abbot Krug, replying to certain observations made by the chapter's patron, informed the Sacred Congregation in a letter dated June 23rd of the year 1908: "It is then erroneous for the lawyer - so he - when coming to this 'our observation,' to say that the chapter has always been well disposed to a friendly settlement. It is enough to know that in July of 1907 I was asked by the pastor of Atina that, on the occasion of my visit for the feast of the patronage of St. Mark, I would go a few days earlier to administer the holy *cresima* [confirmation]. Around September 2nd, the canon dean, Don Michelangelo Elia (who acts as the chapter, although sometimes unknowingly so), came to me... "He also spoke to me about the decree of October 5th, 1906, and I said that on my visit I would hold a meeting in which I would take into account the desires that the chapter and the pastor had reasonably presented as being modifiable. The aforementioned canon showed himself to be very pleased... When I went there, every member of the chapter avoided the meeting. When I finally asked the dean Elia, he did

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not want it, anticipating that the result would not be what he desired."

[*Latin ed. p. 377*]

Sacred Congregation of Councils. 377 "He desired, and indeed only asked, that I suppress in the 'decree' whatever seemed favorable to the parish priest." Since all attempts to resolve the matter amicably had failed, and since the matter itself appeared to require mature discussion, it was decided, according to the customary procedure: "Let it be placed on file," to be submitted to the judgment of the Fathers. The following points are to be reviewed: 1.° Whether the chapter still retains habitual care, so that the canon who actually exercises the care should be called the "vicarius curatus" in this case. 2.° Whether the chapter or hebdomadary has the right to perform all ecclesiastical functions, even those pertaining to the parish, in this case. 3.° Whether the canon-curate has the right to wear the stole in association with the deceased and to perform the funeral rites, and also, in addition to what is common to all canons, to receive a special emolument in this case. 4.° Whether and how it is permissible for canons to administer the sacrament of baptism, and whether they themselves can receive an offering made by the faithful on that occasion in this case. 5.° Whether it is permissible for canons to administer the sacrament of extreme unction and the sacred Viaticum to the faithful in this case. Therefore, the following matters are to be considered anew, those which each party in the case presents to defend their own rights. The procurator of the chapter, in order to demonstrate that the chapter still retains habitual care, presents the documents read from the records of the year 1767, where the chapter, proposing the institution of two perpetual curacies, states that it does not intend to cause any prejudice to the condition of the church or to its prerogatives. In other words: "On the other hand, the chapter does not intend to alter the condition of the church by this, nor is it to be prejudiced in those rights, privileges, prerogatives, and emoluments that it has had in the past and still enjoys over the vicars-curates for the time being." Indeed, the procurator argues that all of these things refer only to habitual care, and should be referred to as such, since the chapter had power relative to the vicars-curates, even when those vicars-curates were triennial. This is confirmed by the fact that, although some things pertain to actual care, the chapter reserved them for itself, although we will return to this matter later. Therefore, he concludes: "But the right to administer baptism, to celebrate Masses for the people, the right to perform funeral rites, and the functions of mere parochial right, can only belong to the one who is the parish priest; these are indeed functions that, in most cases, determine whether a benefice is parochial or not. Therefore, it must be considered

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without any doubt that in the act of 1767..."

[*Latin ed. p. 378*]

378 Acta Apostolicae Sedis. - Official Commentary. "The chapter did nothing more than permanently delegate those functions to the two canons, which previously were exercised by a canon for the duration of a three-year period... that is, the current care. To this must be added the right to appoint the coadjutors of the vicar-curate and the obligation to pay their stipends, of which the chapter likewise enjoys and is burdened." The lawyer objects, saying that the words are not entirely clear, as they appear in the same documents from the year 1767: "The chapter, for the greater glory of God and for the better care and benefit of souls, voluntarily cedes the habitual care, which resided and resides with it, and agrees that, in the future, instead of electing vicars from itself, they should be provided by the Most Reverend Prelate, with prior concurrence, etc." For this lawyer interprets these words only in the sense that the chapter has renounced the right to appoint a vicar-curate every three years. This interpretation seems so obvious to the lawyer that if the words were interpreted otherwise, it would lead to absurdity, because all other reservations, indeed concerning the actual care, established by the chapter in its favor, would become inexplicable, since they would have no foundation. Therefore, the lawyer continues, it is the case that those who, after the year 1767, until our present time, have actually exercised the care of souls in the city of Atina, have been called vicars-curates; that the same canon, Maximinus Corsi, the current canon-curate, in some way renounced the designation that was attributed to him in the letters of appointment of the benefice, before he was invested in the possession of that benefice, and promised to act as a vicar-curate; and that the chapter has been openly declared and recognized by the Abbot-Prelate and by the authorities of the municipality of Atina to be endowed with the care of souls. But when the late Abbot Krug and the canon-curate Maximinus Corsi contradicted these testimonies and declarations, which are contained in the documents, claiming that those documents were given only in order to free the chapter from civil prosecution, the chapter's lawyer replied that it cannot be admitted "that courts would attest to falsehood, exposing themselves to serious sanctions," and furthermore, that the facts presented in the testimonies are true, in order that the authority of those attestations may be confirmed, and therefore, that what is inferred from them is also true. Then, although the lawyer, in conclusion, seeks to show that the chapter still possesses habitual care, he in fact turns to another matter, arguing, as it were, to prove that the chapter or the canons have, in fact, exercised other parochial rights, besides those already mentioned to

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him several times in the documents from the year 1767, namely, that testi-

[*Latin ed. p. 379*]

The Holy Congregation of the Council, having considered 379 testimonies, has learned that the canons customarily administer not only the sacrament of Baptism, as will be explained below, but also Extreme Unction and the Eucharist to the sick parishioners: "The municipal council of Atina certifies that the chapter of Saint Mary Assumed into Heaven, currently and for a long time, elects and pays two assistant vicars to the parish priest, and if these are lacking, the canons would be obligated to do what the vicars do, that is, to serve as vicars together with the parish priest. That the canons say Mass for the people in turn. That the canons can administer Baptism, and in turn, exercise the parochial functions in the blessing and burial of the dead. That in all solemnities in which the parish priest serves in the parochial churches, the dean of the canons serves in Atina, and while in the parochial churches the parish priest disposes of all the works of worship, in Atina these are ordered by the chapter." Thus, in 1862, the presidents of the Atina municipality. Similarly, Canon Achilles Di Paolo, one of the two vicars, who testified in 1907, stated: "I, the undersigned, attest that during the 7 years that I was a vice-parish priest in this city of Atina, the canons... at the request or even without the request of the sick, sometimes brought them the Holy Communion, and I never considered such an act an usurpation of parochial rights, because the deceased parish priest told me that, not being able to act due to his advanced age, the canons were obligated to help me in the services of the parish, and I also attest that in the transportation of corpses to the cemetery, whenever the chapter was involved, I never wore the black stole." Consequently, the procurator argued that the chapter, in order to enforce the prescription, has again acquired the rights that it enjoyed before the year 1767, and that this cannot be opposed by the argument of the imprescriptibility of parochial rights, since parochial rights cannot be extinguished, but only transferred, so that they pass from one subject to another. Therefore, not only does the chapter habitually still have the care, but it also participates in the actual administration. Then, the procurator returns to the matter of the stole, which is a specific emolument, which, according to the Abbot's decree, is to be given to the parish priest in the association of corpses, even when these are paid for with the involvement of the chapter: "The chapter must also establish things in such a way that, saving the appropriate compensation for the work of each member of the chapter, including the parish priest as a canon, the parish priest does not remain deprived of his ordinary emolument and that relating to the wearing of the black stole in such circumstances." This disposition of the Abbot's decree is consistent with what is stated in articles 6 and 9 of the

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acts, in which two perpetual cures were established in 1767.

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis. - Official Commentary. The procurator believes that this is entirely contrary to what is established. Indeed, article 6 states: "Regarding the pious legacies, as well as the small distributions or alms of occasional sung Masses, and also in the accompaniment of funerals or similar events, these two new canons-curates are included, not for one part, but for two parts, that is, one part for each, equal to that of any other canon." Article 9, however, states: "That these curates may never claim any particular payment from the chapter for this burden of care, nor of the *ius campanae* [right to the church bell] and the *ius stolae* [right to the stole]." Therefore, the procurator argues, it is clearly the case that, in addition to what is owed to him as a canon, a particular emolument is granted to the parish priest at funerals, and this violates what was established in the year 1767. Moreover, the orator insists, this is even more evident because the chapter has a reason, or cause, for denying parish priests-curates the right to receive any particular emolument in connection with funerals, and that reason is: "All the more so, since the chapter admits them to the enjoyment of a full part for each of them of the distributions of associations of corpses, of occasional sung Masses, and other things as mentioned above, and furthermore, it assigns to them the burden of the Mass for the people, which will be distributed as mentioned above." From these points, the procurator draws the following conclusions: that all emoluments must be ceded to the chapter, to be distributed equally among all the canons; and therefore, the canon-curate, as a parish priest, may receive nothing more. Since all emoluments in associations of corpses must be consigned to the chapter, the procurator says, the deceased abbot, in order to defend his decree, resorts to a fallacy, claiming that the particular emolument granted to the same canon-curate as a parish priest should not be provided by the chapter, but by the faithful. Furthermore, the orator confirms this by the fact that article 10 of the same acts of the year 1767, where the other emoluments due to the canon-curate are listed, makes no mention of funeral expenses. The procurator then examines an exception brought forward based on custom, which the parish priest cites in his favor in this matter. It appears that there is a custom, as the parish priest himself contends, whereby the parish priest receives L. 1.05 from the Sodality for the blessing of the corpse, the Sodality assuming the burden of the expenses normally incurred on the occasion of funerals. However, the procurator calls this custom an abuse, and considers it to be of little importance, since it lacks the necessary qualifications, and is therefore not legitimately demonstrated. Finally, the orator proceeds to examine the abbatial decrees that establish the right to perform all functions, whether parochial or not, without the chapter intervening

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collegially, for the parish priest.

[*Latin ed. p. 381*]

£. Congregation of Council. 381. It is recognized that, through these dispositions of the chapter, the chapter's rights have been violated in two respects: "1.° Because, for certain parochial functions, and especially for 'baptism,' the chapter has the right to perform them indiscriminately. "2.° Because the chapter has the exclusive right to perform non-parochial functions, even when the chapter body does not participate." The procurator demonstrates this, both from what is contained in the aforementioned acts of the year 1767, articles 2, 3, and 4, and from practice. Indeed, the aforementioned articles, and especially article 2, read as follows: "That the functions should be performed as has always been customary, to the canon and hebdomadary, and on solemn days to the dean, and respectively to the superiors, even if these were functions in which the Venerable [Bishop] would be present for the Forty Hours, or even if they were of purely parochial right, and that, by right, they belonged to the parish priest. "Thus, it belongs to the chapter to perform processions in the city, except for the authority of Monsignor Preposto [the Abbot], without the consent of the aforementioned curates [priests]. "Furthermore, concerning baptism, they cannot prevent that sometimes it be administered by each of the canons, according to their circumstances, or by others who are particularly requested." In two other articles, the canon and hebdomadary are likewise granted, to the exclusion of the parish priest, the right and honor of wearing the stole in the same associations, and of blessing the same bodies, or of celebrating Masses, 3, 7, 30, and anniversary days, "it being customary that all sung Masses and read Masses of funerals be celebrated by the canons in turn, as also in Masses offered for the pious dead." Thus, the canon-curate has a place in such functions and honors only in his capacity as a mere canon, and when it is his turn as hebdomadary or in turn. Furthermore, from practice, in addition to what has already been noted above from the testimonies to prove that the canons have been accustomed to administer the extreme unction and viaticum to the sick at their request, it is also gathered from the testimonies of several witnesses that the chapter: "a) in special circumstances for a grave matter, solemnly communicated to the faithful, as indeed happened at the beginning of this century when Leo XIII decreed that the Eucharist could be received on New Year's Eve; "b) in the month of Mary, in the month of the Rosary, the canon who performs the liturgical functions, administers the general Communion of closure, as he also does for the end of the 15 Saturdays, on May 8th, and on the first Sunday of October."

[*Latin ed. p. 382*]

382 Acta Apostolicae Sedis. - Commentarium Officiale. « c) In novenas

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et tridui, expositio Sanctissimi spettat « ad canonicum et hebdomadarium ». « Sic quod ben sette testi, di cui sei di età provata, l'ultimo sancito dalla chiesa, poterono in forma di atto notorio deporre innanzi « al sindaco che i canonici espongono sempre il Santissimo, celebrano « Missas sollemnes et alias functiones ecclesiasticas in dies ordinarios et festivos ». Distinctio igitur inducta ab Abbate, concludit orator, inter functiones quibus capitulum collegialiter intervenit, et alias quibus non intervenit, ita ut illae celebrandae sint ab hebdomadario, et alterae a canonico-curato, nulla prorsus innititur fundamento, cum et actis contradicat erectionis duarum curarum perpetuarum, et a praxi excludatur. Circa vero baptismi administrationem, statuta ab Abbate suo decreto duplici ex causa capituli procuratori non arrident, quia nempe ipse nimis hac super re canonicorum facultatem coarctavit, et insuper quia constituit quod emolumentum exinde obventurum canonico-curato fuerit semper dandum. Sane Abbas statuit « che da ora in poi chiunque cano« nico non possa prestarsi a tale atto (baptismi nempe collationi) se non « per qualche suo consanguineo ed amico, di più sempre de intelligentia « parochi praevia ». Anche qui però va da sè che devono essere salvi « per il parroco i diritti di stola bianca ». Iamvero, contendit orator, licet in actis anno 1767 exaratis dicatur quod canonici-curati « circa il « battezzare non potranno impedire che talvolta facciasi da ciascuno « dei canonici, secondo loro accadrà la contingenza, o saranno da altri « in particolare richiesti » ; haud tamen determinantur coetus personarum seu personae, quibus tantum iidem canonici baptismi sacramentum conferre possint. Praeterea cum canonicis eiusdem sacramenti administratio de iure quodammodo spectet, praemonito ad summum canonicocurato, ratio prorsus non videtur ob quam ipsi emolumento relativo privari debeant: «Giacché il provento, - ita sane idem procurator,« non può scindersi dalla sua causa ossia dalla funzione esercitata per « diritto proprio. Ed erra l'Abbate quando, a sostenere la riserva del« emolumento al canonico-curato dice, volere convenienza che l' emo« lumento resti a chi in via ordinaria ha il diritto e dovere di com« piere la funzione relativa, e non a chi la compie in via straordinaria. « Questo ragionamento che infatti molto bene si applica a chi da un « parroco ottenga la licenza di amministrare un battesimo, non fa punto « al caso nostro, cui si tratta invece di diritto che compete ai singoli « canonici, e che questi compiono iure proprio, previo semplice avviso « al canonico-curato ».

[*Latin ed. p. 383*]

The Congregation of the Council. 383 The procurator of the chapter insists that the Abbot's decree should be entirely rescinded, as it deprives the chapter of considerable revenues, which is already deprived of almost all its assets due to previous decrees. Therefore, he continues: "These latest considerations demonstrate the necessity of revoking the aforementioned decree, even if the Abbot intended to reform the relationship between the

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chapter and the curate, as the Abbot seems to have mentioned in a letter to this Holy Congregation, although this contradicts the wording of the decree itself. But if it was desired to change the conditions of things in the church of Atina, it would be like carrying water to Delos, demonstrating to you, masters of law, that the Abbot could not have done this without observing the formalities required by law for derogations from founding acts. Especially since these rules of foundation constitute a bilateral act issued not *motu proprio* by the Provost, but at the request of the chapter. Therefore, it would not be lawful today to maintain the concessions, altering the clauses to the detriment of the chapter, to which they were subject. Indeed, if these clauses are changed, the concession would fall away, and the chapter would have the right to demand a return to the previous practice." Finally, the same procurator states that the Abbot Gelesia's decree, issued in the year 1851, and already mentioned above in this report, is more harmful than beneficial to him. For in that decree, which governs the care of souls in the chapter of Atina, the vicarious curate is called, and furthermore, the same decree stipulates that all non-parochial functions must be celebrated either by the hebdomadary or by the chapter, either with the collegiate body intervening, or not. If the Abbot Gelesia, in his decree, attributed the right to administer the sacraments in association with the dead and to perform funerals to the canonical curate, the orator recalls, the decree itself was promulgated by Abbot Gelesia in such a way that it could be changed at any time, as soon as a better understanding of the matter was obtained. This is what the procurator of the chapter states. However, the actual canonical curate, the Reverend Maximinus Corsi, objects, as follows: Firstly, with regard to habitual care, he does not deny that, in fact, especially in the documents drawn up by the Cassinensi Curia, which are in accordance with the acts of the year 1767, the canonical curate should have been called "canonical curate," and in the official letters sent by the King, he is actually called that, although the title designates him as "perpetual vicarious curate." However, he believes that this was done due to an error or equivocation. For he reasons as follows: In law, it cannot be admitted that someone is a vicarious curate for the actual exercise of the care of souls, unless there is another rector principal of the same parish present, whose place he fills, and

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis. - Official Commentary. The principal rector has habitual care; however, as can be gathered from the acts of the year 1767, the chapter of Atina manifestly relinquished habitual care and the right to elect a vicarius-curatus. Therefore, whoever currently exercises pastoral care in the city of Atina is not a vicarius-curatus, but rather a parish priest, or a canon-parish priest. The minor of this argument can easily be demonstrated by the very words that are truly found in the same acts of the

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year 1767, and which have already been mentioned, in which the chapter "for the greater glory of God and for the better care and benefit of souls, voluntarily cedes habitual care, which is with him in deva and resides there, and agrees that in the future, instead of the chapter itself electing vicarii-curati, they will be provided by the Monsignor Preposto alone." Therefore, it follows: "Since the erection of 1767 is the new and ultimate constitution of the collegiate church of Atina regarding future relations between the curatus and the chapter, a constitution executed in 1804, it remained and will remain until a legitimate transformation. Therefore, if at times, especially in the early years, one finds the term vicarius-curatus written, it is certainly an error, because it does not correspond to the term designated in 1767, and to the legal nature of the office. Perhaps Sabatini used it because before 1804 he had been a true vicarius-curatus for many years, and continued after 1804, using the same signature. Moreover, for almost a century, not only in the parish registers, but also in the chapter meetings, the curatus signed without interruption as canon-parish priest, and the chapter called him that in the meetings. The people, the canons themselves, have always called me and my predecessors by the name of parish priest. Why, therefore, should one today return to the contradiction of vicarius? If there were errors by those who did not know the truth, especially in suspicious documents prepared after 1860 for civil causes, and the ancient legitimate name was used until 1804, the Cassinese decree acted correctly in eliminating the error and the uncertainties, and in using the official title of the erection of 1767."

Then, proceeding to another argument of the question, he argues that the canon-parish priest performs the sacred functions, which the deceased Abbot, by his decree, ordered to be performed by the parish priest, whenever the chapter does not intervene collegially. Indeed, regarding these functions, the priest Maximinus Corsi openly confesses that the custom in this matter is contrary to him. His words are: "In this part, there is a contrary custom, that is, that the eddomadario performs the tridui and novenas, even when the chapter is not present. And the custom is in conformity with the chapter statutes."

[*Latin ed. p. 385*]

Sacred Congregation of Councils, 385, and also to the decree of Celestine of 1851. And I would wish to adhere to "custom, even in order to satisfy, where possible, the canons." It does not seem opportune here to summarize the reasons by which the deceased Abbot attempted to defend the decree he had issued in this matter. For now, the question concerns the parish priest and the chapter, or rather, the dean, since the present Prefect of Atina, namely, Reverend Father Gregory Diamare, Abbot of Montecassino, did not deem it appropriate to intervene in the matter, and entirely referred the matter to the judgment of this Sacred Congregation. Although

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the canon and curate does not insist on performing these sacred functions, nevertheless he expresses the wish that, if possible, the months of May and October, dedicated to the Blessed Virgin Mary under the title of the Most Holy Rosary, be observed. However, if these two months are celebrated not by the canon weekly, but by another canon, or by the dean, without any permission or delegation from the chapter, which practice the aforementioned orator perhaps calls an abuse. Therefore, he says: "It would be opportune to enact a conciliar decree to abolish abuses." And since the parish priest is obligated at that hour to make his visit, and he could also preach about the month [of Mary] by abolishing a sterile reading, in the absence of laws, it seems indicated that he himself should perform this function, as is customary in all colleges. For the reason of the evening visit, he seems to have some right, at least more than others, to the month of Mary, and perhaps also to the month of October, because in the chapter statutes of 1759 and in the decree of erection of 1767, "a small emolument is assigned to the parish priest for the public recitation of the Most Holy Rosary on certain days of the week." It is noteworthy that, as the same canon and curate observes, the expenses for the celebration of the month of May are borne by the faithful, to whom provisions are made through their offerings. However, since the canon and curate does not insist on performing these sacred functions up to now, as he himself confesses, with regard to the celebration of funerals or the association of bodies, and the blessing of those bodies, he contends that, based on custom, this should be granted to him, even though in the final abbatial decree, promulgated in 1906, the right to wear the stole at funerals and to bless the bodies is recognized to the chapter or the canon weekly. Indeed, the acts concerning this matter, drawn up in 1767, clearly state in article 3: "That even in the associations of bodies, the honor of wearing the stole should remain, as is customary, with the canon weekly... and so to those..."

[*Latin ed. p. 386*]

386 Acta Apostolicae Sedis. - Commentarium Officiale. "He shall wear the stole, and shall bless and remove the body 'from the house of the deceased,' and shall perform the association in the church, both in the collegiate church, and in any other regular or secular church of said city." However, the deceased Abbot did not change this decree, except in this: he granted to the canonical curate a special emolument of 1.05 lire, in addition to that common to all canons. But the canonical curate also wishes to perform the funeral association and receive the emolument, as custom dictates, as has already been noted. "The decree of 1767, so he himself says; thus he had arranged, and it was conformed to the statutes of 1759, from which it is evident that the entire chapter, and half the chapter, if the family was poor and paid nothing, recited the office in the house of the deceased, and then the hebdomadarius, who certainly directed the office, at the end

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blessed the body, and with the entire chapter accompanied it to the church. But this custom of reciting the office in the house of the deceased has long since ceased, and very rarely today does the chapter go to the house of the deceased. Especially since a dispatch from Ferdinand IV, King of Naples, on the 28th of Die, 1792, took away from the chapters the right to participate in funerals, leaving it only to the parish priests. This royal dispatch therefore changes the provision of the decree of 1767, and establishes the new custom of the parish priest wearing the stole and blessing the body in the house. This provision was confirmed by the diocesan synod of Cassine in 1845. "This custom is centuries old, since it dates back at least to the first curate, Canon Giacomo Sabatini, and was continued by his successors, Laudazi, Salvucci, and Martini. Indeed, the dean Coppola, almost ninety years old, in a manuscript of his own hand, against Martini in 1847, states that the black stole was worn by the curates Sabatini and Laudazi; but each remained in his place of seniority without precedence over the more senior, as Martini claimed. This right for the parish priests is sanctioned in the decree of Abbot Celesia during the holy visitation of 1851... And this decree of 1851 was not changed until October of 1906, and was observed." Hence, in order that the force of this custom may be recognized, the parish priest wishes that this right be recognized for himself, just as he wishes that the right to receive the special emolument of 1.05 lire be recognized for himself, whether the chapter is present or absent, because this emolument is not provided by the chapter itself, but, as has already been noted above, by the sodality or spiritual congregation, which provides for the expenses of the funeral, and also pays for the fabric of the church, under the title of *iure campanae*, a special tax. "The 1.05 lire, so the parish priest says, is not strictly the right of the stole, but the right of blessing the body.

[*Latin ed. p. 387*]

"Sacred Congregation of the Council, 387, 'found dead in his house, as appears clearly from the following documents.' The canon and parish priest receives 1.05 lira, a custom immemorably confirmed by the diocesan synod of 1845, page 69: 'The parish priest shall perform the blessing of the deceased in his house, for which he shall receive twenty-five asses.' This refers to 25 Neapolitan grains, equivalent to 1.05 lira today. And this custom is common to the other towns of the diocese of Monte Cassino, and confirmed, and perhaps initiated, by virtue of the decree of Ferdinand IV, King of Naples, issued on the 28th of [month not specified] 1792 (inserted in the diocesan synod, page 111). This decree was issued precisely to eliminate forever the claims of the chapters, who, by claiming the usual care or other duties, wanted to intervene de iure in all burials, as the same decree mentions. Therefore, it says thus: 'No. 7. Only to the parish priest or to the one who holds the current care does it belong to intervene for the blessing of the deceased. No. 8. That in the respective places, each parish

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priest, for said access or blessing of the deceased, shall continue to demand twenty-five grains, that is, 1.05 lira.' This decree, having been approved by ecclesiastical authority and inserted in the aforementioned diocesan synod, and having become widespread afterwards, it is not surprising that the acts of this erection [of perpetual curacies] have changed it. Furthermore, the orator asserts that this emolument scarcely reaches the sum of forty lire annually. Finally, the canon and curate insists on administering the Sacraments, claiming that this is solely his responsibility and should be provided for according to his merits. However, with regard to baptism, he declares himself willing to allow the canons to also administer it, provided that they do so under the conditions established in the abbatial decree, namely, that they request permission from him and cede to him the emolument that would accrue to them. Indeed, in the notes of the acts of the erection of the two perpetual curacies, article I states: 'That since the canons and curates will be able to administer the sacraments in this church and have the full and free exercise of the care, holding also the keys of the Sacraments and Sacramentals, so also they will not acquire any special right, nor majority, and especially in the choir, where they will have the place and stall according to seniority, in quality of canons.' And if, in these same acts, the canons are granted the faculty to sometimes administer the sacrament of baptism, it is so that it is not a right granted to them, but an indulgence. Indeed, the words state: 'Furthermore, concerning baptism, they [the canons and curates] will not be able to prevent that sometimes it be administered by any of the canons, according to what happens to them, or if they are requested by others in particular.' But, exclaims the orator, while the canons and curates..."

[*Latin ed. p. 388*]

388 Acta Apostolicae Sedis. - Commentarium Officiale. At present, they request that others not impede the canonicals from administering baptism, but the right to do so is recognized for them, all the more so because, according to the provisions in Article I: "The keys of the Sacraments and Sacramentals" remain with them. Furthermore, if they could absolutely prevent it, they must be warned; this is also the reason why the parish priest is the one who judges their dignity, who receive the infants in baptism. Regarding the emolument, the canonical-curate notes that it has always been received by him and his predecessors, and divided equally with the sacristan or chaplain, as is stated in the chapter statutes approved in the year 1759. But the speaker continues, if it can be tolerated that the administration of baptism be granted to others under the aforementioned conditions, then the administration of other sacraments must be entirely reserved to the canonical-curate, as was the case, as has been seen above, both in the acts of the erection of the two perpetual curacies, and in the decree issued by Abbot Gelesia in the year 1851. "It would be absurd to think otherwise,"

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says Father Maximinus Corsi, "in a chapter that does not even have the usual care of souls, and when it did have it, 'the curate (vicarius-curate) administered the sacraments independently of the other canons.' Abuses may have been introduced during the long old age of my predecessor, who held the curacy for about sixty years; but in 1847 he wrote that he had indeed given permission to baptize, but he did not recognize any right in the canons, and he always wrote in the records that he had given permission. For many years he did not leave the house, and for a long time he had as his stewards his perfectly blind brother and another who was eccentric and capricious. It is possible that at that time some canon administered the sacraments to the sick without the permission of the parish priest. But that was a time outside the law, and one cannot even speak of custom, to which the decree of 1851 strongly opposed. Moreover, the sacraments were also brought to the sick by simple priests or minor friars. "If in the briefs of the other canons there is never mention of the care of souls, if they have never been able to preach or confess without the permission of the Ordinary, which must be renewed every year, if they have been noted every time they have confessed in choral time, how can one imagine that they exercise the care of souls cumulatively with the parish priest? "Perhaps there were abuses during the old age of my predecessor; but rightly, the Cassinese decree removed them for the good of souls, removing at least in the care of souls the confusion that reigns in this chapter." Finally, it should be noted that it is entirely wrong to deny the parish priest the celebration of Mass for the people at the present time by the chapter.

[*Latin ed. p. 389*]

The Holy Congregation of the Council, 389, states that, indeed, the Mass has always been celebrated by the canonical curate, even in these latter times, while his predecessor administered the parish. Having explained these matters, which have been brought forward by the parties, and having shown that everything is explained from them, and that all difficulties are resolved, which arise from the distinction between what was established and what has been put into practice, perhaps no one could say. Certainly, more is explained from the documents presented by the parish priest, although less is understood, why so many things are found in this matter that cannot easily be reconciled with each other, and which, therefore, should give rise to disagreements, especially since it is commonly believed that the statutes were changed in the year 1767 by the Provisor De Mellis, through another decree, which, however, is no longer found. Therefore, if I am not mistaken, in resolving the proposed questions, it will perhaps be necessary to proceed in such a way that what is certain is arranged according to what has been demonstrated to have been established, and in the remaining matters, if any doubts remain, these should be established according to how they ought to have been, keeping in mind, above all, what was done in the

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year 1767, and paying attention to the spiritual needs of the faithful, which should be the supreme law, and with which the canons of Atina in the year 1767 sought to provide the best possible solution. The deceased Abbot intended to act with this in mind, declaring that his decree should not be considered "as a definitive sentence of a judicial act, but as a provision of a legislative act." Since this is the case, the following doubts must be clarified.

I. Does the chapter of the prepositual Church of Atina still have habitual care, so that the canon who actually exercises the care should be called the vicarious curate in this case?

II. Does the same chapter, or hebdomadary, have the right to perform all ecclesiastical functions, even those pertaining to the parish, in this case?

III. Does the canonical curate of the same chapter of Atina have the right to wear the stole and to perform funeral services for the deceased in associations? Also, does he, in addition to what is common to all canons, have the right to receive a special emolument in these associations in this case?

IV. Is it permissible for the canons to administer the sacrament of Baptism, and can they receive an offering made by the faithful on that occasion in this case?

V. Is it permissible for the canons to administer the Sacrament of Extreme Unction and the Holy Viaticum to the sick in this case?

Decision. The Fathers of the Holy Congregation of the Council, in a general meeting on April 29, 1911, decided to respond:

[*Latin ed. p. 390*]

Acts of the Apostolic See. - Official Commentary. 390th year. Regarding 1. According to the convention of the year 1767, it must be declared that the one who has care of souls is a canonical curate. Regarding 2. Affirmative, concerning the form of the same convention under JN. 2. Regarding 3. Negative concerning the first part, if the chapter intervenes collegially; negative concerning the second part, provided that the canonical curate offering is maintained, which is customarily paid by the Brotherhood of Saint Mary of Gratiarum. Regarding 4. Affirmative concerning the first part, according to the convention of the year 1767, and always concerning the understanding of the canonical curate; negative concerning the second. Regarding 5. Negative in all respects.

C. CARD. GENNARI, Prefect.

L. S. Basilius Pompili, Secretary.

To the Most Reverend Father, Joseph Bilczewski, Archbishop of Lemberg of the Latin Rite.

Reverend Father, as a brother, regarding the doubts proposed by A. T. to the Holy Congregation:

1. Whether it is sufficient for the establishment of a confraternity in a parish, that there be three religious sisters who teach the truths of the Chris-

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tian religion, and in addition, one lay person who supervises the children during the time of learning?

2. Whether it is a necessary condition for granting indulgences, that all who wish to be admitted among the members of the confraternity in the parish be inscribed in a special book, and that they have a certificate of admission into the confraternity?

The Fathers judged that the following should be answered:

Regarding I. For the establishment of any confraternity, there is no prescribed number of members to be enrolled.

Regarding II. Negative, unless the confraternity is established in the manner of an organic body, so that it must be considered as a confraternity taken in the strict sense.

Having notified these things, I pray for all good things from the Lord for the same A. T.

November 10, 1910.

As a brother,

C. CARD. GENNARI, Prefect.

L. S. Basilius Pompili, Secretary.

[*Latin ed. p. 391*]

Sacred Congregation of Religious. 391 III. OF ROME AND OTHERS. DOUBTS CONCERNING DAYS OF FEAST WHICH HAVE BEEN SUPPRESSED BY THE RECENT MOTU PROPRIO "SUPREMI DISCIPLINAE." - The following doubts, which have been proposed for clarification to the Sacred Congregation of the Council concerning the interpretation of those things which were established by the Most Holy Pope Pius X in the most recent Motu Proprio Concerning the Days of Feast, published on the 11th of July of this year, 1911, are: I. Whether, concerning the public observance, namely, of the feasts of the Most Holy Body of Christ, of the Purification, of the Annunciation, and of the Nativity of the Blessed Virgin Mary, of Saint Joseph, Spouse of the same Blessed Virgin Mary, of Saint John the Apostle and Evangelist, and of the Patron of each place or diocese, the obligation remains to celebrate the Holy Mass for the people. II. Whether, in Cathedrals and Collegiate Churches, all things pertaining to the aforementioned suppressed feasts must be observed, whether concerning choral services, or concerning the solemnity of both Masses and Vespers. III. Whether feasts established by vow or by decree, even with ecclesiastical authority, are removed from the number of feasts with the obligation of hearing Holy Mass by the force of this most recent law. IV. Whether this most recent law concerning the observance of days of feast takes immediate effect. After mature deliberation, the Sacred Congregation of the Council, by the special authority granted to it by the Most Holy Pope Pius X, decided to respond to all these doubts as follows: Affirmative. Given at Rome, from the Secretariat

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of the Sacred Congregation of the Council, on the 8th of August, 1911. C. CARD. GENNARI, Prefect. L. S. B. POMPILI, Secretary. SACRED CONGREGATION OF RELIGIOUS. DECREE. Concerning the most excellent Society, which the Holy Angela Merici founded, as it had been commanded to her by a heavenly voice and vision, under a certain discipline and with the sacred rules of living, and which she dedicated under the patronage and name of the invincible Saint Ursula, the Most Holy Pope Pius...

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis. - Official Commentary. Prayers were presented to Pope Pius X, recommended by the Most Reverend Archbishop of Milan and by other Ordinary prelates from various places, in order to obtain, through special favor, Indulgences and privileges granted to the Franciscan Order. The Most Holy Pope, during an audience held with the undersigned Cardinal Prefect of the Sacred Congregation for Religious, on the twentieth day of June in the year 1911, having considered, in particular, that Saint Angela Merici, the foundress of the Ursulines, embraced the habit and rule of the Third Franciscan Order, and for this reason enjoys a double honor within the entire Seraphic Order; in order to increase, according to the spirit of the Blessed Foundress, the zeal for promoting Christian life among her daughters, and for attending to good works both within private families and within the society itself, He has deigned, by the tenor of the present Decree, to grant canonical aggregation to the Third Franciscan Order, in the manner of other Congregations likewise aggregated to the Seraphic Order, so that it may be so, and according to the prayers, always preserving the autonomy and independence of the same Society, according to the norms of law. Given at Rome, from the Secretariat of the Sacred Congregation for Religious, on the thirtieth day of June, in the year 1911. Fr. I. C. CARD. VIVES, Prefect. L. © S. f Donatus, Archbishop. Ephesinus, Secretary. SACRED CONGREGATION OF RITES. QUEBEC. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, SISTER MARY OF THE INCARNATION, FOUNDRESS OF THE URSULINE MONASTERY IN THE PROVINCE OF QUEBEC. Mary Guyart, to whom the name of the Incarnation was given, was born in Tours on the seventh day of November in the year 1609, of Florent, a silk merchant, and of Joanna Michelet. Having been highly esteemed and dear to God from her very childhood by her parents, she endeavored, scarcely having entered adolescence, to be enrolled among the sacred virgins; however, yielding to the persuasion of her mother, she was given in marriage to Joseph Claudio Martin, and bore him a son, whom she immediately, as far as was in her power, dedicated to God. Three years after the beginning of her marriage,

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when her husband had died, Paula.

[*Latin ed. p. 393*]

The Holy Congregation of Rites. 393. I have restored the example of Rome!, of which St. Jerome wrote: "She wept so bitterly that she almost died; she so turned to the service of the Lord that she seemed to desire his death." Having suffered many hardships at that time, she finally vowed chastity, which she had long desired. Soon after, entrusting her beloved brother, twelve-year-old Claudius, to the diligent care of his sister, and despite his futile resistance, she entered the Ursuline Order. This event occurred happily: for Claudius, having been properly educated in the discipline of the Society of Jesus, joined the monastic family of St. Benedict, and, after being ordained a priest, after the death of this holy woman, he described her pious life in a golden book. She herself, following the counsel of prudent men, especially her confessor, and encouraged by the Archbishop of Tours, together with Lady de la Peltrie and Sister of St. Joseph, moved by divine inspiration, embarked on a journey to the Canadian regions, enduring great dangers at sea, and finally arrived in Quebec. There, having established a house for the Ursulines, and excelling in all things through care, vigilance, patience, and abstinence, she accomplished many wonderful things. However, later, almost abandoned by everyone, with struggles outside and fears within, after the death of Sister of St. Joseph, she witnessed with tearful eyes the house itself, which she had built at great expense, being suddenly consumed by fire. In these difficulties, always trusting in the power of God and inflamed by charity, she remained steadfast in her purpose. Therefore, a larger house was soon erected in the city of Quebec, and she gathered together many young women again. Having served them for twenty-nine years, she nevertheless always humbled herself so much that she seemed to be the least among all, in her dress, her manner, and her bearing. It is incredible how eagerly she devoted herself to instructing the girls of the barbarians in the Faith and Christian morals, and how constantly she helped the poor, deserving the highest praise from the Religious Order and the nation, until the very end, when she died most holily on the 3rd of May, in the year 1672, at the age of 72. The entire city of Quebec gathered for her funeral, as if it were sacrilegious for anyone not to have rendered such service to this woman. The opinion of her sanctity grew so much with the fame of miracles that, in the Congregation of Sacred Rites, after all formalities were completed, the question of the virtues of the Venerable Servant of God was investigated three times: first in the house of the Most Reverend Cardinal Sebastian Martinelli, the Relator of the Cause, on the 14th of March, in the year 1907; then in the Vatican, on the 1st of March, in the year 1910; and finally, at the general meetings before His Holiness Pope Pius X, on the 29th of December of the same year. In these, the Most Reverend Relator proposed the following question:

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Whether it is established that the Venerable Servant of God, Mary of the Incarnation, possessed the theological virtues of Faith, Hope, and Charity in God and in her neighbor; and also the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those virtues which are joined to them, in a heroic degree, as is evident from the ACTA, vol. I, pp. 11-16.

[*Latin ed. p. 394*]

Acts of the Apostolic See. - Official Commentary. And concerning the matter under consideration, each of the assembled Cardinals and Consultors expressed their opinion. However, Our Most Holy Lord postponed giving His judgment, wishing to obtain a greater abundance of divine light. Today, after the Holy Mass was offered in this hall of the Vatican Basilica, the Most Reverend Cardinal Sebastian Martinelli, Prefect of the Congregation for Sacred Rites and Relator of the Cause, together with the Reverend Father Alexander Verde, Promoter of the Holy Faith, and myself, the undersigned Secretary, were present when he solemnly declared: That the virtues of Faith, Hope, and Charity in God and towards one's neighbor, as well as the Cardinal virtues of Prudence, Justice, Temperance, and Fortitude, are proven in the Venerable Servant of God, Mary of the Incarnation, to a heroic degree, in the case and for the purpose under consideration, so that the process may proceed to the examination of the four miracles. He ordered that this Decree be promulgated and recorded in the acts of the Congregation for Sacred Rites on the fourteenth day before August in the year 1921. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charysteien, Secretary. *LE PARISIEN*. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, LUDOVICA DE MARILLAC, WIDOW, FOUNDRESS OF THE CONGREGATION OF THE DAUGHTERS OF CHARITY. We find a woman of strength, the glory and ornament of Catholic France, Ludovica de Marillac, who was born in Paris in the year of the restored salvation, 1631, and who diligently cultivated her mind with studies of the liberal arts and philosophy, but much more diligently, she cultivated her soul with Christian virtues; so that, despising the nobility of her birth and her wealth, she shone with admirable virtue, especially through the practice of poverty, humility, and charity. Orphaned by her father, she married the most noble Anthony Le Gras in 1643, at the urging of a confessor to whom she was devoted, and bore him a son, Michael Anthony, whom she carefully instructed in Christian manners. Two years later, after her husband's death, she embraced widowhood with eagerness, and, with her family affairs well managed, she devoted herself entirely to alleviating the misfortunes of the poor. Inspired by Saint Vincent de Paul, her life's teacher, she burned with zeal to imitate his virtues, especially his charity towards the afflicted, to such an extent

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that...

[*Latin ed. p. 395*]

The Holy Congregation of Rites. 395, and it has been a great aid to him, almost equaling his labors. Therefore, the Lady, embracing all the poor with kindness, having dedicated her resources to the service of the needy, encouraged certain pious women of her province, so that, according to certain established rules, they might attend to the sick, the poor, and abandoned children, not only with money but also with their own work. When this proved to be less effective than hoped for, the devout woman, following the example of St. Vincent, founded the congregation of the Daughters of Charity, in which, it seems, the grace of God can accomplish great things. These are young women – numbering, in our time, almost thirty-five thousand – who, forgetting their sex and fragility, instructed in the spirit of a Mother, not only work in colleges and orphanages to educate children and adolescents, but also serve in hospitals, washing the festering wounds of the sick, providing them with food with their own hands, making their beds, and, most importantly, comforting their souls with words and example, both within the walls of prisons and even in the very midst of battlefields, amidst the flying balls of cannon. In these works, the Venerable Ludovica gave proof of her virtue, although she was almost always afflicted by poor health. Finally, in the month of February of the year 1660, feeling that death was imminent due to a serious illness, she sent for her most beloved Father, St. Vincent. But the venerable man, weakened by old age and illness, and unable to even take a step, spoke these words that reveal the singular virtue of both the Mistress and the Disciples: "Tell Ludovica: 'As far as you are concerned, now die; soon I will follow you into heaven.'" Therefore, the Servant of God, deprived of all human comfort, peacefully passed away on the Ides of March, and was raised to heaven, accompanied by all the good, with the greatest throng of people present. The fame of her virtues having increased day by day, her cause was begun in the Sacred Congregation of Rites, for the same purpose, which had long been neglected due to the passage of time. Therefore, after collecting the necessary evidence and fulfilling all the requirements according to the law, a formal investigation into the heroic virtues of the Venerable Servant of God, Ludovica de Manila, Widow of Le Gras, was instituted. First, in the preparatory meetings held on the Kalends of April, 1910, in the house of the Most Reverend Cardinal Dominic Ferrata, Relator of the Cause; then, in the preparatory assembly convened at the Vatican on the Nones of May of the following year; and finally, in the general assembly recently held on the Kalends of July, before His Holiness Pope Pius X, in which the Most Reverend Cardinal Relator proposed the following question: "Does it appear that the Venerable Servant of God, Ludovica de Marillac, Widow of Le Gras, possessed the theological virtues of Faith, Hope, and Charity in God

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and in her neighbor, as well as the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, in a heroic degree, and to the extent required for the purpose of this investigation?" The Most Reverend Cardinals and Consultors each gave their votes. His Holiness, however...

[*Latin ed. p. 396*]

Acts of the Apostolic See. - Official Commentary. 396 Our Lord deemed it fitting to proceed, and He encouraged those present to pray that heavenly light might be obtained through prayers, so that a proper judgment might be made. On this very day, the birthday of Saint Vincent of Paul, which is a feast day celebrated by the Daughters of Charity, with the greatest joy, having approached this Vatican Hall for this sacred purpose, he welcomed the Most Reverend Cardinals Sebastian Martinelli, Prefect of the Congregation for Sacred Rites, and Dominic Ferrata, Relator of the Cause, as well as the Reverend Father Alexander Verde, Promoter of the Holy Faith, and myself, the undersigned Secretary, and, in their presence, solemnly declared: "Thus, it is established that the Venerable Servant of God, Ludovica De Manila, widow of Le Gras, foundress of the Daughters of Charity, possessed the theological virtues of Faith, Hope, and Charity in God and towards her neighbor, as well as the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and their corresponding virtues, in a heroic degree, and for the purpose for which this is being considered, so that the discussion of the four miracles may proceed." This decree was ordered to be published and recorded in the Acts of the Sacred Congregation of Rites on the fourteenth day before the Kalends of August, 1911. Rev. S. Cardinal Martinelli, Prefect. L. "S. f. Peter La Fontaine, Bishop, Secretary. III. DOUBT. The Congregation for Sacred Rites posed the following question: Whether, according to the prudent judgment of the Ordinary, it is permissible, during a private or public exposition, to illuminate the interior of the ciborium with electric lamps placed therein, so that the sacred particles with the Most Holy Sacrament may be better visible to the faithful? And the same Sacred Congregation, after hearing the opinion of the Liturgical Commission, considered it appropriate to respond to the question presented to the undersigned Secretary: Negatively. And thus it was written, on July 28, 1911. Rev. S. Cardinal Martinelli, Prefect. L. "S. f. Peter La Fontaine, Bishop, Secretary.

[*Latin ed. p. 397*]

Sacred Congregation of Rites. 397 IV. DOUBT. Since, by the Motu Proprio of the Most Holy Pope Pius X, dated July 2nd, the Feast of the Nativity of Saint John the Baptist, which had been perpetually transferred from June 24th, was assigned to the Sunday before the Solemnity of the Holy Apostles Peter and Paul, as if in its proper place, some Most Reverend Bishops, carefully considering the fourth paragraph of the same Motu Proprio, in

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which it is stipulated that in places enjoying a special Apostolic Indult, nothing should be changed without the consultation of the Apostolic See, and complying with this disposition, approached the Holy See, reverently requesting from the Sacred Congregation of Rites: Whether dioceses in which the Feast of the Nativity of Saint John the Baptist has hitherto been celebrated annually on June 24th with an Apostolic dispensation from the Feria, can retain this day, or rather, whether they ought to adopt the aforementioned Sunday, newly assigned in the Universal Calendar to the Nativity of the Holy Precursor of the Lord? And the Sacred Congregation itself, after considering the report of the undersigned Secretary, and the most recent Motu Proprio "De diebus festis" together with the subsequent declarations, decided that the proposed question should be answered as follows: Negatively to the first part; affirmatively to the second. This resolution was ratified, approved, and ordered to be observed by the Most Holy Pope Pius X. August 7, 1911. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop, Secretary.

[*Latin ed. p. 398*]

398 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF PARIS. NULLITY OF MARRIAGE - DU BREUIL DE ST. GERMAIN - DÉNISON. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 13th of June, 1911, the Most Reverend Fathers, Franciscus Heiner Ponens, Ioannes Prior, and Aloysius Sincero, Auditors of Tournon, in the Parisian cause concerning the Nullity of Marriage, having heard the appeal presented by Mr. Ioannes du Breuil de St. Germain against the sentence of the Archdiocesan Tribunal of Paris, between the aforementioned Ioannes du Breuil de St. Germain, represented by his procurator, the advocate Philippum Pacelli, and Maria Dénison, who was present and contested the case, and with the Defender of the Bond intervening ex officio, rendered the following definitive sentence. Ioannes du Breuil de St. Germain, a Catholic and of the Gallic nation, and Maria Dénison-Winslow, belonging to the "episcopal church" and of the American nation, on the 8th of November, 1904, in the church of St. Augustine in Paris, having observed the proper Tridentine form, gave each other mutual matrimonial consent, having previously obtained a dispensation from the impediment of mixed religion. Shortly thereafter, the marital consortium was broken due to disagreements between the spouses, and the woman petitioned for and obtained a civil divorce. The mother of the groom, wishing to help her son and suspecting that his bride had never been baptized, and therefore that the marriage was null and void, instituted an inquiry in the places where Maria Dénison had resided from her birth until the day the marriage was contracted. Based on the documents and arguments collected, the groom petitioned the Archdiocesan Tribunal of Paris on the 16th of March, 1907, to declare the marriage null due to the impediment

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of disparity of cult. On the 10th of January, 1910, a sentence was issued in which it was determined that there was no proof of the nullity of the marriage. From this sentence, the appellant presented an appeal to the Sacred Roman Rota. Hence, the case was subjected to a new examination, with the proposed doubt being: whether there is proof of the nullity of the marriage in this case? The law pertaining to the matter. - Although no specific text of law can be cited, it is well known in canon law that a marriage between a baptized person and an unbaptized person cannot be validly contracted unless a legitimate dispensation from this impediment has been obtained. "Indeed," (thus Benedict XIV), "similar marriages entered into between two contracting parties, one Christian and the other non-Christian, one baptized and the other unbaptized, are null, and consequently..."

[*Latin ed. p. 399*]

S. Bomana Bota. 399 "These are always illicit. As for the nullity of these marriages, it is sought whether it was instituted by natural law, or by canon law. In a letter written by Us on the 9th of February, 1749, to Cardinal Duke of York, which was published and is found in volume 3 of our Collection of Documents, we examined this controversy at length, and demonstrated that there is no text of the Divine Scripture by which the nullity of such marriages can be proven; nor is there any canon of the Church by which the aforementioned nullity can be proven; but rather, it must be attributed to a common custom and universal discipline of the Church, the vestiges of which begin to be recognized in the sixth century." (Benedict XIV, unpublished works, page 431). The same is affirmed by Sánchez, *De Matrim.*, book VII, section LXXI, number 8; Scotus, *In IV, dist. XXXIX, art. 2; Reiffenstuel, book IV, *Decret.*, number 355 and following, and others commonly. However, a singular and very serious difficulty arises if, after a marriage has been contracted, doubt arises as to whether baptism was truly and validly conferred upon one of the two parties. But after so many responses from the Holy Congregations for the tribunals, this is no longer a difficulty that cannot be easily overcome. Indeed, the Holy Congregations consistently follow the principle: "Baptism that is doubtful, whether of law or of fact, with regard to the validity of marriage, must be considered as valid, if the doubt cannot simply be removed after a careful and diligent examination, or if, due to accidental circumstances, it is not deemed appropriate to simply remove the doubt" (S. C. Inquisit. July 7, 1880, September 18, 1890, February 4, 1891, and many other decisions). Furthermore, the Holy Office has always followed the rule in a document from Rome, May 2, 1727, A. Ratto, number 1, stated as follows: "Every presumption must be made in favor of the validity of marriage, and no consideration should be given to opposing exceptions, when those exceptions are not so compelling and effective as to conclusively demonstrate the present nullity." Therefore, if, after a marriage has been contracted,

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doubt arises as to whether baptism was truly and validly conferred, the marriage can never be declared null and invalid, unless the non-reception or invalidity of baptism has been so conclusively proven that all doubt to the contrary has been completely excluded. Several and important authors hold a different opinion on this matter. Thus, for example, Santi-Leitner, *Proel. iur. can.*, volume IV, page 71, teaches: "Whenever a marriage is contracted with certainty or presumption of baptism, the marriage is valid. And because it was valid, after the invalidity of baptism is detected, it does not become invalid; because a marriage, once valid, is always valid. The Holy Congregation does not distinguish between a judgment about baptism before marriage and after marriage."

[*Latin ed. p. 400*]

400 Acta Apostolicae Sedis. - Commentarium Officiale. "Concerning marriage, but simply declares: "It must be considered valid, insofar as it pertains to the validity of the marriage." Therefore, it in a certain way commands those who are entering into marriage and who have doubts about their own baptism: "Enter into marriage as other Christians do, and your marriage will be valid." If this doctrine is true, or at least solidly probable, then in the present case, it must be said that the marriage is valid, unless some other circumstance is considered. But this doctrine seems to be difficult to reconcile with certain authentic declarations of the Sacred Congregation of the Holy Office. In the Instruction of the Holy Office of June 5, 1889, it is stated: "When it is a question of the impediment of disparity of cult, and it is clearly established that one party has been baptized and the other party has not been, the marriage may be declared null by the Ordinary." The Decree of the Holy Office of February 5, 1851, concerning Protestants who are married and who convert to the Catholic faith, states: "Generally speaking, those who convert to the Catholic faith in Holland are to be considered, by reason of baptism, as validly married, unless it can certainly and clearly be established in a particular case that the heretic in question was truly never baptized." But whatever may be the case with this controversy, the marriage in the present case must be declared valid, whatever the circumstances may be. As far as the facts are concerned. - The Reverend Fathers have noted from the records that there is absolutely no proof that Mary Denison was not baptized; indeed, it is so far from that, that from the documents and testimonies presented, it should be concluded that it is more probable that she was baptized. There is a presumption in favor of the reception of baptism, primarily because the parents of Mary Denison were devoted to a certain Protestant sect, in which baptism, and indeed a valid baptism, is customarily conferred. Therefore, the rule of law in chapter fin. De praesbyt. non bapt. X (111, 43) can be applied to Mary Denison, where it is presumed that one is baptized, who is born and raised among Christians. This presumption gains greater

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force from the demonstrated faith in the reception of baptism by Mary Denison, which originated with her parents and the actor, in the year 1861. For either Mary Denison is the actor's bride, and the matter is settled; or she is his sister, and then it is proven that the parents were concerned about having their children baptized. Another presumption is derived from Mary Denison's previous marriage. For she married Richard Winslow, a Protestant, in 1883, before a minister of the Episcopal sect, which presupposes baptism, as the minister of the Episcopal sect himself undoubtedly presumed. Indeed, as A. W. Sevin testifies: "The minister who marries in an English church does not at all need a baptismal certificate." However, at least equally strong arguments are required; for, he continues...

[*Latin ed. p. 401*]

St. Boman's Report, 401: "The procedure is as follows: 1st, by banns; 2nd, by a certificate from a delegate; 3rd, by 'license from the bishop or archbishop.' Furthermore, Baron de Gharetta, having sworn an oath, testified: 'I do not know where Madame Winslow was born. I have only recently heard of her baptism from herself. When I asked her if she had been baptized, she replied that she had, but without giving me any other details. Therefore, I do not know where, nor how, she was baptized.' What Maria Denison explicitly told this witness, she implicitly confessed after obtaining the civil divorce, writing these letters to her husband: 'I do not remember where I was baptized. I have never had in my hands my baptismal certificate.' Therefore, she does not know where she received baptism, but she clearly assumes that she was baptized, otherwise she would have written: 'I do not know if I was baptized.' Finally, the witness himself stated: 'The sister of Madame Winslow, who was her elder sister and who thus replaced her mother, affirmed to me, without me asking her, that Miss Denison had not been confirmed.' Indeed, even here, it is assumed that Maria Denison received baptism. For among Protestants, confirmation necessarily presupposes baptism; therefore, the sister certainly would have first mentioned the greater defect, namely, the lack of baptism, if she had not even been baptized. And in fact, Maria Denison was of an age when she should have received confirmation, and she lived in Paris with certain women who had no concern for the religion of the girls entrusted to them. 'At the Devienne institution, no attention is paid to the religion of the students,' said Father Thirion. Therefore, Maria Denison was not confirmed for this one reason, because, as the witness's mother says, 'the circumstances were not conducive to it,' and not because of a lack of baptism. But there is also a more serious argument in favor of the fact that, in this case, one cannot reasonably doubt that she received baptism. For Henry Jones, a Protestant minister in the town of Wilkes-Bane, having sworn an oath, stated in the records of his parish, 'that it is mentioned that Marie Hulings Denison,

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daughter of Charles and Helene Denison, was born on May 20, 1861, and was baptized on October 6, 1861.' The witness, of course, affirms that this refers to the elder sister, who has the same name, and not to the Maria Denison whom he married, who was born on May 20, 1867. He also cites several examples to prove that there is nothing extraordinary in the fact that these two sisters were born on the same day of the calendar, but in different years, and that something similar has happened several times in other families. Although it is not denied that Ma-"

[*Latin ed. p. 402*]

402 Acta Apostolicae Sedis. - Official Commentary. It appears that Marie Denison has a sister older than herself, who also bears the same name, Marie. However, in that document, the words of the Protestant minister seem to refer to that Marie Denison, who is the defendant in the present case, although she has always told her husband that she was born in the year 1867. Ackman Wilson, the Rector of the church of St. John in the town of Ryde, in which Marie Denison contracted her first marriage, testifies: "I found the marriage certificate of Richard Winslow and Marie Denison, dated October 4, 1883. However, there is no evidence showing that a baptismal certificate was produced (which would not have been necessary); nor can I find any baptismal record of Marie Denison in the church of St. John, 21 years earlier." This Rector, who had before him records of the first marriage begun in the year 1883, inquired about a baptismal certificate of Marie Denison "21 years earlier," from which it clearly follows that he knew the year in which Marie Denison was born. But that "21 years earlier" (before the year 1883) demonstrates that she was not born in 1867, but in 1861. However, the document of the first marriage, in which the year of birth of the bride is presumed to be contained, is not found in the records, although the judge of first instance requested it. The lawyer for the plaintiff seeks to remove the difficulty arising from this point in the following manner: "Indeed, nothing could be more desired by the plaintiff than to have this document included in the records, so that the truth about the age of Marie Denison-Winslow might be better elucidated. But since this document was in his possession, and, in the absence of a baptismal certificate, he presented it to the instructor of the cause to obtain a dispensation from mixed marriage, and it cannot be obtained from anywhere else, since only those who have an interest in the matter are granted dispensations by Protestant churches, it is impossible to present it again or to include it in the records today." But who would deny that the plaintiff, who contracted marriage with Marie Denison, is one of those "with an interest"? Indeed, from the records themselves it is clear that the plaintiff received this document, since Ackman Wilson, in a letter, the mention of which has already been made, continues as follows: "I have the honor to send you, as you requested, a marriage certificate, extracted from the records of the church." Why did

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the plaintiff not present this document to the Tribunal? One must entirely distrust the account of the plaintiff regarding the investigations carried out, if he only wishes to produce the results of the investigation that seem to serve their purpose, namely, the declaration of nullity of the marriage. Before the celebration of the second marriage, the certificate of the first marriage of the widow Winslow was produced, as well as an authentic death certificate of her former husband. The latter document was handed to Marie Denison-Winslow.

[*Latin ed. p. 403*]

Saint Bonaventure. 403 future spouses, and not only those. Thus, the actor states: "I know for certain that the document pertaining to the first marriage of Madame Winslow was produced, 'which had been celebrated on the Isle of Wight in 1883. I am convinced that the death certificate of the husband of Madame Winslow was also produced. I came to the official court, and there I was asked, and I produced this very document.' And the mother of the groom states: 'It was Madame Winslow herself who obtained this document (the religious marriage certificate of Madame Denison and Monsieur Winslow); we had no need to concern ourselves with it.' Why was this document not also presented to the groom, unless it is because there might have been described therein (as was the case with her sister, whose marital status was shown in the documents, originating from the same Isle of Wight) that she was of full age in 1883, that is, at least 21 years old, while she claimed to have been only sixteen years old in that year? Under these circumstances, neither the affirmation of Mary Denison nor the testimonies of the lawyers can prove that she was born in 1867. For, since John du Breuil was born in 1873, Mary Denison, the widow Winslow, could easily have been led to feign being younger, when in 1904 the matter of entering into a new marriage was being discussed. Furthermore, the documents attached to the civil marriage act appear to have their foundation solely in the assertions of Madame Mary Denison herself. Thus testifies Charles Loeb, an American lawyer residing in Paris: "The presentation of a copy, or extract from the register of births is not obligatory according to the laws of the aforementioned states of Pennsylvania and New York to establish the civil status of a person, in the absence of a birth certificate; its essential elements can be provided by any means of proof and notably by a declaration, under oath (affidavit) in the form attached: such a declaration is considered valid for the allegations it contains." At the request of the woman herself, in order to enter into marriage, and with her consent, this declaration regarding her year of birth was made, and therefore, it can be used against her, and not in her favor, to free her from the charge of lying. An error regarding the year of birth, in such a declaration of the civil status of someone, is not substantial, nor was it necessary that those who, under oath, testified that they knew the year of birth of the woman, knew it

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from anything other than her own assertion. Nor should we omit two other circumstances, which increase or confirm the suspicion that the bride did not state her true year of birth. "When it was a question," thus the actor, "of obtaining the dispensation for mixed marriage, the baptismal certificate was requested."

[*Latin ed. p. 404*]

Acts of the Apostolic See. - Official Commentary. 404 "Regarding Mademoiselle Dénison. This request appeared to greatly disturb her, and she declared that it would be very difficult, if not impossible, to obtain this type of document in America. It was then suggested that the act of her first Protestant marriage would serve as a replacement for this baptismal certificate. Why did the woman exhibit such distress, unless she feared that her true age might be revealed through the sacrament of baptism? Furthermore, nowhere in the documents is the date of birth of her older sister indicated, while in the sworn statement signed before a public notary, with the consent of the woman herself, it is declared that the date of birth of the aforementioned woman, i.e., the bride of the plaintiff, was May 20th. Therefore, why was no document produced to prove that the sister was truly born on May 20, 1861? Based on the facts and documents presented by the plaintiff, it cannot be argued that the woman lacked baptism, since rather, the evidence tends to prove or confirm the contrary. Moreover, nothing follows from the fact that the plaintiff's wife was entirely irreligious and completely indifferent to religious matters. For, in no way does this imply that Mary Dénison was not presented by her parents to receive baptism. On the contrary, it can be argued: Since it is established that Mary Dénison was entirely irreligious, her assertion, however solemnly made, that she was born in the year 1867, should not be believed, if other circumstances – as is indeed the case – appear to prove the contrary. Having considered and diligently pondered all of these matters, invoking the name of Christ, and with God alone before our eyes, We, the undersigned Auditors sitting for the tribunal, regarding the matter in question, declare, decide, and definitively pronounce: negatively, that is to say, that there is no basis for the nullity of the marriage in this case, and therefore, we confirm the judgment of the Tribunal of Paris, furthermore ordering the plaintiff, Jean du Breuil de St. Germain, to bear all the costs of the proceedings. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains, to order the execution of this our definitive judgment, and to proceed against those who resist, according to the norms of the Sacred Canons, especially chapter 3, session 25 of the Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. June 13, 1911. L. jjg S. Sac. T. Tani, Notary of the Sacred Rota. Reverend Father Francis Heiner, Presiding. "John Prior."

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"Aloysius Sincero."

[*Latin ed. p. 405*]

Secretariat of State. 405. SECRETARIAT OF STATE. LETTER TO THE REVEREND FATHER JULIUS MARINUM MARBEAU, BISHOP OF MELDENSIUM, CONCERNING THE INAUGURATION IN THE CATHEDRAL CHURCH OF MELDENSIUM OF A MONUMENT DEDICATED TO THE REMEMBRANCE OF J. BOSSUET.

My Lord, Our Holy Father, Pope Pius X, heartily applauds the noble project that Your Excellency has conceived, namely, to inaugurate with solemnity the monument erected in the Cathedral Church of Meaux to the very illustrious memory of Bossuet, thanks to the pious initiative of His Grace, the Bishop of Briey, and the generous support of the Catholics of France and other nations. His Holiness can only rejoice at the culmination of an undertaking already praised and encouraged by the Sovereign Pontiff Leo XIII, in his letter of December 4, 1898, to Cardinal Perraud. With his blessed predecessor, the Holy Father rejoices in the honors that will be rendered to the great Archbishop, who deserved to be called "the Eagle of Meaux," and whose Christian genius was the glory of France, of the Church, and, indeed, of all humanity.

It is fitting that Your Excellency wishes to invite, along with the French Catholics, the Bishops and learned societies to the forthcoming celebration; both will be in their proper place near the remains of this Pontiff, zealous pastor of his people, and, together, the honor of Christian letters. Both will fruitfully meditate on the teachings of one who, after reminding the powerful of the earth, with the incomparable eloquence of his words, of the great and terrible lessons of Providence, knew how to be humble with the humble, to catechize the lowly and the poor, and to distribute to all the bread of Truth. At the foot of this monument, the faithful and pastors will learn to love more deeply the divine truth of the Church and its hierarchy. Defenders of the dogma will recall the invincible arguments of the immortal works of this Doctor, who expended his strength and his life in defending the Catholic doctrine. Even the unbelievers themselves will not be able to resist a salutary emotion, in the face of this noble genius who elevated human reason to its highest perfection, and who did not fear...

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis. - An Official Commentary, to enhance the sublimity of his understanding, by wholeheartedly assenting to the teachings and divine precepts of the Faith. In advance, to all those who, at your call and invitation, will participate in this celebration: members of the clergy and the episcopate, representatives of the sciences and letters, the Supreme Pontiff gladly grants the Apostolic Blessing, as well as to Your Eminence and to your diocesans. I am pleased to seize this

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opportunity to renew to you, Monsignor, the assurances of my perfect devotion in Our Lord. August 8, 1911. R. CARD. MERRY DEL VAL. SACRED CONGREGATION OF RITES. On the 8th day of the current month of August, in the Apostolic Palace at the Vatican, the Ordinary Particular Congregation was held, in which the following causes were submitted to the judgment of the Most Eminent and Reverend Cardinals who comprise the same: I. Concerning the cult, in obedience to the Decrees of Urban VIII, no cult has ever been paid to the Venerable Servant of God, Ludovico Edoardo Gestae, Founder of the Congregation of the Handmaids of Mary. II. Concerning the validity and significance of the Apostolic Process constructed in the Curia of Alicante regarding the reputation for holiness of life, virtues, and miracles in general of the Venerable Servant of God, Giovanna Guillen, a professed nun of the Order of the Augustinian Hermits. III. Concerning the validity of the Apostolic and Ordinary Processes constructed for the Cause of Beatification and Canonization of the Venerable Servant of God, Giovanna Delanoue, Foundress of the Sisters of Saint Anne of Providence. IV. Concerning the validity of the Apostolic and Ordinary Processes constructed for the Cause of Beatification and Canonization of the Servant of God, Luigi Maria Baudoin, a priest, Founder of the Congregation of the Sons of Mary Immaculate and of the Ursulines of Jesus, commonly known as "de Chavagnes."

[*Latin ed. p. 407*]

Diary of the Roman Curia. 407 SECRETARY OF STATE'S OFFICE.

His Holiness, with a letter and a Brief from the Secretary of State, has deigned to appoint:

Bishop Assistant to the Holy See: July 28, 1911. — The Most Reverend and Venerable Monsignor Giovanni Grimes, Bishop of Christchurch.

Protonotaries Apostolic, with the same privileges as those who participate: July 6, 1911. — The Reverend Alessandro Kluczynski, Dean of the Cathedral Chapter of the diocese of Kielce. July 21. — Monsignor Giovanni Maria Viviani, General Vicar of the diocese of Vicenza. August 1, 1911. — Monsignor Vincenzo Tesar, Canon of the Metropolitan Church of Olomouc.

Domestic Prelates of His Holiness: July 5, 1911. — The Reverend Antonio Lopes de Araujo, Parish Priest in the Archdiocese of Rio de Janeiro. July 6. — The Reverend Giuseppe Antonowicz, General Vicar of the diocese of Sejny. — The Reverend Egidio Radziszewski, Rector of the Seminary of the diocese of Włocławek. — The Reverend Felice Drzewiecki, Professor in the Ecclesiastical Academy of Petropoli in the diocese of Włocławek. July 12. — The Reverend Martino Kheberich, General Vicar of the diocese of Scepusio. — The Reverend Dionisio J. Murphy, General Vicar of the diocese of Nashville. August 1, 1911. — Monsignor Emanuele Bidwell, Archdiocesan

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Chancellor of the Archdiocese of Westminster. — The Reverend Eugenio Széchényi, Canon of the diocese of Gran Varadino. — The Reverend Vincenzo Bunyitay, Canon of the same diocese. August 2. — The Reverend Anselmo Bourke, Missionary in the diocese of Perth, in Australia.

HONORS.

His Holiness, with a letter and a Brief from the Secretary of State, has deigned to bestow the following honors:

The Grand Cross of the Order of St. Sylvester: July 11, 1911. — To Mr. Antonio Chiramel Tharagan, of the Vicariate of the Syrian Christians of Triechoor.

The Commander's Cross with plaque of the Order of St. Gregory the Great, civil division: August 7, 1911. — To Mr. Luigi Alfonso Maria Nicolas, General Consul of France in Tauris.

[*Latin ed. p. 408*]

408 Acta Apostolicae Sedis. - Official Commentary. The Commandery of the Order: July 1, 1911. — To the Most Noble Count Roger Pomian Lubienski, of the Archdiocese of Warsaw. The Commandery of the Order of Saint Gregory the Great, civil class: July 19, 1911. — To Mr. Giacomo Guerin, Mayor of Montreal. The Commandery of the Order of Saint Sylvester the Pope: July 28, 1911. — To Mr. Giovanni Folie, Director of the Accounting Department at the Imperial and Royal Lieutenantcy of Trieste. The Chivalry of the Order of Saint Gregory the Great, civil class: July 5, 1911. — To Mr. Giovanni Giuseppe Lambert, of the Diocese of Denver. The Chivalry of the Order of Saint Sylvester the Pope: July 2, 1911. — To Mr. Pietro dei Conti Colonna Czosnowski, of the Diocese of Luceoria and Zytomierz. APPOINTMENTS MADE BY THE HOLY SEE. The Holiness of our Lord, through a letter from His Excellency, the Reverend Monsignor, has deigned to appoint: Honorary Chaplains in purple vestments: July 25, 1911, — Monsignor Pietro Bagarotti, of the Diocese of Cotrone. — Monsignor Pasquale Fuzzolini, of the same diocese. — Monsignor Germano Lamberto Sloots, of the Diocese of Haarlem. — Monsignor Nicolò Giovanni Smeulders, of the same diocese. NECROLOGY July 16, 1911. — Monsignor Vittorio Onesimo Laurans, Bishop of Gahors. July 21. — Monsignor Luigi Bonetti, formerly Bishop of Montalto. — Monsignor Emmanuele Merra, Bishop of S. Severo. July 29. — Monsignor Giulio Marsili, titular Bishop of Antigonea. August 6, 1911, — His Excellency, the Most Reverend Cardinal Anthony Giuseppe Gruscha, Archbishop of Vienna. August 7. — Monsignor Luigi Veccia, Secretary of the Congregation for the Propagation of the Faith. August 15. — His Excellency, the Most Reverend Cardinal Francesco Patrizio Moran,

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Archbishop of Sydney.

[*Latin ed. p. 409*]

Year III. - Vol. II. September 15, 1911. No. 12. AGTATAPommm COMMENTARY OFFICIAL ACTS OF POPE PIUS X. APOSTOLIC LETTERS. I. THE CONFRATERNITY OF THE HOLY MASS OF REPARATION IN THE CHURCH OF THE HOLY CROSS, COMMONLY CALLED "OF THE LUCCANS," IS ERECTED IN THE CITY INTO AN ARCHCONFRATERNITY WITH THE FACULTY OF AGGREGATION. POPE PIUS X. For the perpetual memory of this matter. — In the Church of the Holy Cross, commonly called "of the Luccans," in the City, among the nuns of the Society of Mary of Reparation, We have learned that a Confraternity of the Holy Mass of Reparation was canonically established last July, with this purpose: that those gathered together, exercising the established exercises of religion, may strive to make amends for the injury that is done to God by all those who, without just cause, neglect that most serious duty of Christians, which is to attend Mass on holy days. And since this laudable endeavor is highly pleasing to Us, as it is most opportune in these times, and since the Council of Directors of the same Confraternity have addressed Us with fervent prayers, so that We may increase it with the title and privileges of an Archconfraternity; We, in order to foster the abundance of fruits that We foresee will daily increase, and which the diligence of the aforementioned Directors and the very suitability of the matter suggest, readily decide to satisfy the desires of Our beloved sons, the General Vicar in spiritual matters in this esteemed City. Therefore, by Our Apostolic authority, through these Letters, and perpetually, We establish the Confraternity of the Holy Mass of Reparation in the Church of the Holy Cross, commonly called "of the Luccans," among the nuns of the Society of Mary of Reparation in the City, as an Archconfraternity.

[*Latin ed. p. 410*]

Acts of the Apostolic See. - Official Commentary. 410. We erect, establish, and adorn with customary honors and privileges a confraternity. To the Moderators and officials, present and future, of this Archconfraternity, which We hereby establish, and by Our authority, We grant through these letters, that they may lawfully aggregate to themselves other confraternities of the same name and institute, which may arise within the territories of Italy and the adjacent islands, provided that the form of the Constitution of Pope Clement VIII, Our blessed predecessor, and all other Apostolic ordinances issued above are observed; and that they may communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted to said Archconfraternity by the Apostolic See, which are communicable. We decree that these Our letters shall always exist and remain valid and effective, and shall fully produce and obtain their in-

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tended effects, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things: and that, accordingly, in matters concerning these things, any judge, ordinary or delegate, shall judge and decide; and that they shall be declared void and null if, by anyone, knowingly or unknowingly, any attempt is made to contravene them, contrary to these. Notwithstanding any Apostolic constitutions and ordinances, even those deserving of special and individual mention and derogation, and all other things to the contrary, whatever they may be. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the thirtieth day of June, 1911, in the eighth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. II. The Church of Augsburg in Turin is erected in honor of the Virgin, Help of Christians, as a minor basilica. PIUS PP. X. For the perpetual memory of this event. — In the year of the restoration of health, 1886, a most pious and religious man, the venerable servant of God, John Bosco, father and legislator of the Salesian family, undertook to erect a splendid temple in Augsburg, from its very foundations, in honor of the most Holy Virgin, Help of Christians, strengthened on all sides, which the faithful of the Catholic world, grateful for the countless divine benefits received, freely contributed with willing hearts. This edifice, distinguished by its great size, its decorated facade, its twin towers, and its majestic portico, easily attracts the admiration of those who behold it externally; internally, it is adorned with gold and marble,

[*Latin ed. p. 411*]

The acts of Pope Pius X, page 411, speak of the works of all arts. There, not only those from the Alpine regions, but also from almost all regions of Italy, and even from foreign nations, frequent faithful often gather in large numbers before the illustrious image of the Divine Mother, which is venerated in the shrine, praying, and they do so every year. Indeed, as the calendars clearly attest, which are published there each month in nine languages for the people, the Most Blessed Virgin, Helper of Christians, abundantly bestows graces from this pious shrine, as if from her majestic throne. The church itself is richly furnished with abundant and precious furnishings. The clergy, that is, the priests of the Salesian family, whose house is the very shrine itself, diligently perform divine and sacred duties, setting an example of piety. It is also worth remembering that a canonical archconfraternity is established there under the title and patronage of the Virgin Mary, Helper of Christians, and that more than two hundred societies of the same name and institution, founded throughout the world, are legitimately affiliated with this archconfraternity, and that five hundred thousand members are enrolled in these societies. We also deem it necessary to mention that four hundred churches throughout the world have been built in honor of the Virgin Mary, Helper of Christians,

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and display an image similar to the one that is venerated in the aforementioned temple of Turin, which is preserved with great religious devotion by the Prince Bishop. This illustrious temple has also been enriched by privileges, spiritual benefits, and special indulgences by the Holy See: and our Predecessor, Pope Leo XIII, of blessed memory, granted the Cardinal Archbishop of Turin the faculty, so that on the sixth day before the Kalends of June, in the year 1903, in the presence of many bishops and a large crowd of citizens, he might solemnly bestow a golden diadem upon the miraculous image of the Virgin Mary, Helper of Christians, in her name and by his authority. Having recalled these things, when the supreme leaders of the Salesian family humbly requested us, with fervent prayers, to grant that the aforementioned temple in Turin might be adorned with the title and dignity of a Minor Basilica, in order to enhance the devotion to the fruitful Virgin and the splendor of her temple, we deemed it fitting to grant their pious request. Therefore, moved also by the most urgent request of our beloved sons, the presbyters of the Sacred Roman Church, Cardinal Richelmy, by Apostolic dispensation, Archbishop of Turin, by our Apostolic authority, by these present letters, we elevate the Sacred Church of Augsburg in Turin, dedicated to the Virgin Mary, Helper of Christians, to the dignity of a Minor Basilica, conferring upon it all the privileges and honors that rightfully belong to the Minor Basilicas of this illustrious city. We decree that these present letters shall always exist and be valid and effective, and that they shall be observed with piety.

[*Latin ed. p. 412*]

Acts of the Apostolic See. - Official Commentary. To achieve and obtain, for the benefit of all, and to ensure that those to whom it pertains, or may pertain in the future, receive the fullest benefit, it is thus judged and determined that, should anything contrary to these matters occur, knowingly or unknowingly, by anyone, with any authority whatsoever, it shall be considered null and void from that moment onward. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the tenth day of July, in the eighth year of Our Pontificate. R. Card. MERRY DEL VAL, Prefect of the Sacred Congregation for the Affairs of the Holy See. L.S. PROVISIONS FOR CHURCHES. By successive decrees of the Most Holy Lord Pope Pius X, the following churches have been provided with their own pastors, namely: July 11, 1911. — The Cathedral Church of Spalato was assigned to the Reverend Anthony Gjivoje, a priest of the archdiocese of Zadar (Zara), and rector of the Central Theological Seminary. July 17, 1911. — The Archdiocesan Church of Kingston was assigned to the Reverend Michael Joseph Spratt, rector of the Church of St. Michael in the town of Belleville of the same archdiocese. July 21, 1911. — The Cathedral Church of Regina was assigned to the Reverend Oliver Eleazar Mathieu, former Rector of the University of Quebec. July 27, 1911. — The Cathedral

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Church of Münster was assigned to the Reverend Felix De Hartmann, Dean of the Chapter of Münster and Vicarious Capitular of the same vacant diocese. July 28, 1911. — The Titular Episcopal Church of Hemes was assigned to the Reverend George De Lucchi, a theological canon of the Cathedral Church of Vicenza. August 11, 1911. — The Cathedral Church of Cali was assigned to the Reverend Eladio Perlaza, General Vicar in the province commonly called Gaii. — The Cathedral Church of Dijon was assigned to the Reverend James Lewis Monestès, canon of the Cathedral Church of Agen. — The Cathedral Church of Toledo in the United States of America.

[*Latin ed. p. 413*]

S. Boman Bota. 413 Septembris. Reverendissimus Dominus Iosephus Schrembs, qui usque ad hoc fuit Episcopus titularis Sophenensis. — Ad archidioecesem Dubuque, Reverendissimus Dominus Iacobus Ioannes Keane, qui usque ad hoc fuit Episcopus Cheyennensis. Sanctissimus Dominus mandavit etiam ut, in hac re, Litterae Apostolicae sub sigillo ad processum iuris expedantur. I. THEATINA IURIUM. Sub Pio PP. X feliciter regnante, in anno octavo Pontificatus Dominationis Suae, die 23 Martii 1911, Reverendissimi Domini Iosephus Mori, Ponens, Fridericus Cattani et Antonius Perathoner, Auditores de Tournon, in causa « Theatina Iurium » inter Venerabilem Sodalitatem SSmi Sacramenti loci Arcismontisplani, actricem, repraesentatam per legitimum procuratorem Philippum Pacelli, advocatum, et Caietanum Ciccarone, parochum praefati oppidi, reum conventum, repraesentatum per legitimum procuratorem Henricum Benvignati, advocatum, sequentem tulere definitivam sententiam. Propter partialem montis Maiella ruinam anno 1765 secutam, oppidum ad eius radices existente, vulgo nuncupatum « Roccamontepiano », fere disparuit. Hinc factum est, ut infelices illius incolae inde palantes, domos alibi in planitie sibi construerent, non exclusa paroeciali matrice ecclesia, quae aedificata iterum fuit sub titulo B. M. V. de Lapide in suburbio, quod audit Terranova, inter paroeciae fines. A praefata ruina tamen illaesum evasit Oratorium quoddam S. Rocho et B. V. in coelum assumptae dicatum et a paroeciali ecclesia distans. Anno 1840 cum dictum Oratorium vetustate fatisceret, nonnullae piae personae, collecta ex oblationibus stipe, illud restaurandum curarunt; ut inscriptio in fronte capellae exteriori apposita testatur. Id peractum fuisse assentiente parocho S. Mariae de Lapide et sub eius dependentia, quamvis ex coaevo documento non possit probari, tamen ex sequentibus legitime coniici potest. Re quidem vera, porrectae petitioni ut inibi Sodalitas a suffragio erigeretur, Vicarius Generalis Curiae Theatinae respondit, ut praeter Ar-

[*Latin ed. p. 414*]

414 Acta Apostolicae Sedis. - Official Commentary. The approval of the bishop was sought, and the consent of the parish priest of Saint Mary of

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the Stone was also requested: "It is necessary to request from the local parish priest whether he agrees or not, so that his rights are not violated...". However, the parish priest, refusing the requested establishment, stated that: "This undertaking aims to diminish the mother church, to transfer the burial to Saint Rocco, and to establish a second parish there." In the year 1859, at the request of some devoted individuals, and after obtaining prior regional approval on March 30th, the Sodality of the Most Holy Sacrament was canonically established in Arce Montisplani on July 28th, and it established its seat in the aforementioned chapel. However, since the Sodality did not reside in the church, in the year 1862, it petitioned the Archbishop to grant it the altar dedicated to the Blessed Virgin of Carmel for the performance of its functions; this permission was granted, with the preservation of parochial rights. In the year 1865, the Archbishop granted the same Sodality, by special grace (in an exceptional manner), permission to keep the Most Holy Sacrament of the Eucharist in the aforementioned chapel, so that the faithful who were far from the parish church could more easily fulfill their religious obligations. In the year 1892, on June 18th, a certain agreement arose between the chaplain of the Sodality and the parish priest of Tracanna, who was already advanced in years, by virtue of which the chaplain of the Sodality was granted the faculty to celebrate all internal functions. Regarding the feast of Saint Rocco in Vico Equense, disagreements arose between the parish priest and the chaplain, with only the parish priest being permitted to perform funerals in the presence of the deceased, who were not members of the Sodality, and the offerings or donations made on the occasion of the feast of Saint Rocco remained in the custody of the chaplain, under the authority of a commission composed of the chaplain, the parish priest, and another priest. In the year 1905, Caietanus Ciccarone obtained the parish of Saint Mary of the Stone, and he refused to acknowledge the aforementioned agreement as valid, considering it harmful to the parochial rights. Consequently, disputes arose between the parish priest and the chaplain. To restrain the arising discord, the Archbishop, by decree of January 4, 1907, established the following: "1.° The parish priest is free to celebrate any function in the aforementioned church and in any altar, except for the altar of Carmel, which is under the patronage of the Sodality. Furthermore, all funerals are his, in the presence of the body, without distinction of whether they are members or not of the Sodality. 2.° The chaplain has the right to perform all the functions of the Brotherhood according to the statutes of the same, but in the altar of Carmel, and with the permission that the parish priest will certainly not deny, even in another altar. 3.° To avoid any question regarding the schedule of functions in the same church, the parish priest and the chaplain

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will, by mutual agreement, draw up a table."

[*Latin ed. p. 415*]

Article 4: These [rules] shall be posted in the sacristy, and within one month from the date of this decree, they shall be submitted for approval to the Curia.

Article 4: The novena of St. Roch, with the accompanying Vespers and Mass, and the procession on the day of the feast, are the rightful prerogative of the parish priest. However, the chaplain shall also assist, and shall be entitled to receive one-third of the offerings, including the Mass stipends, while the other two-thirds remain with the parish priest. Of the offerings consisting of litanies, responses, and similar items, except for the Mass stipends, the parish priest and the chaplain shall each relinquish one-fifth, which shall be deposited in a savings book and delivered to the Curia for the needs of the Church.

Article 5: The donations shall be kept by the chaplain, provided that he and the parish priest, together, within ten days from the celebration of the feast of the Saint, shall draw up an inventory, and send it signed by both to our Curia, along with an accounting of the income and expenses of the feast.

Against this decree, the Sodalitas [Brotherhood] of the Most Holy Sacrament appealed to the Holy Congregation of Councils. However, since the Holy Rota Tribunal was recently restored to its former status by the Constitution "Sapienti Consilio," and the same was entrusted with the examination of the present matter, the question is now presented to the parties in agreement, under the following formula: "Do the rights belong to the Sodalitas of the Most Holy Sacrament of the place called 'Boccamontepiano,' or above the Church of St. Roch, or above the functions and funerals to be performed therein, or above the offerings arising from the same, or the oblations in such cases?"

In fact: The primary and most important question is regarding the ownership of the Church of St. Roch, in which the Sodalitas of the Most Holy Sacrament is located, and around which the first part of the doubt revolves, namely, whether the Church of St. Roch belongs and still belongs to the parish priest of St. Mary of the Stone, or rather, to the aforementioned Sodalitas. The Reverend Fathers, after carefully examining all the documents, and after hearing the reasons presented by the Brotherhood, concluded that it was not sufficiently proven that the Sodalitas had a legitimate claim to ownership or patronage over the aforementioned church. Indeed, the procurator of the Brotherhood initially invoked a principle of law against the parish priest, arguing that, since any church is located within the boundaries of a parish, it does not necessarily follow that the church is subject to the parish priest or dependent on him. However, from this, it does not necessarily follow that the church should be assigned to the

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Sodalitas, since it could belong to another rector, besides the parish priest and the Sodalitas. The burden lies with the Sodalitas, as the party bringing the action, to prove that it has a legitimate title of acquisition, or that it has legitimately acquired the patronage it claims over the church, which it does not provide, nor can it provide. For the Brotherhood has not proven that it obtained it through original or derivative means: not through original means, nor through derivative means.

[*Latin ed. p. 416*]

416 Acta Apostolicae Sedis. - Official Commentary. They claim patronage based on the phrase "patronus facit dos, aedificatio, fundus" (a patron is established by gifts, buildings, or land), because before the Confraternity was established, the Church of St. Roch already existed and was not endowed by anyone. Furthermore, the Church was not restored by the Confraternity itself, but by certain devout individuals before the establishment of the Sodalitas, as was noted at the beginning. Moreover, even if the Confraternity had restored a dilapidated or collapsed church, this fact would not necessarily imply that it had acquired patronage, according to what St. Thomas teaches in *Praelect. can., lib. 3, tit. 38, n. 15*: "It is not sufficient to have one title [to acquire the right of patronage] if the other titles are not present in the same person." Furthermore, original and extraordinary titles are not sufficient: not an apostolic privilege, because it is not established that one exists; not a prescription, because from the Sacred Visitation of 1883, it appears that almost all the altars in the church were endowed with patronage, with the exception of the main altar, over which the local Congregation of Charity exercises patronage; and finally, derivative methods cannot be alleged, such as a concession granted to the Church by the Archbishop to the aforementioned Sodalitas, because, as the documents show, in that same year, 1864, only the patronage over the altar of the Blessed Virgin Mary of Carmel was granted. If, therefore, the rights of the Sodalitas are limited to that altar, it is clear that it cannot claim any rights over the other altars, and much less over the entire church.

Secondly, the procurator of the Sodalitas argues that the Church belongs to it based on the fact that, on November 10, 1865, the Sodalitas was granted the faculty to keep the Eucharist in the Church of St. Roch. However, since, according to common law, the Eucharist can only be kept in parish churches, cathedrals, and churches of regular clergy solemnly professed, and in other churches it requires the concession of the Pope, as proven by Ferraris, *Biblioth. can. v. Eucharistia art. 1, nn. 45-46*, citing numerous decisions of the Roman Congregations, the concession granted by the Archbishop of Marinis rather indicates a benefit for the Confraternity, and is contrary to it, and indicates a certain parochial character in the Church of St. Roch: for it was motivated solely by the good of the faithful, to whom he wished to provide an extraordinary means; and indeed, in granting

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such a concession, it is clear that he took into consideration the spiritual needs of the faithful who are distant from the parish church, as is evident from the letter he sent to the president of the Sodalitas, in which he grants this faculty: "Taking into consideration the topographical location of this town, for which the majority of the faithful remain far from the parish church... wishing, as far as is in our power, to remedy this situation and to ensure that they are properly assisted and have the appropriate means..."

[*Latin ed. p. 417*]

St. Bonaventure, Dist. 4, c. 17: "In order to fulfill their religious duties, by adhering to the request..." This, however, can also be explained by the fact that at that time, the curate, Father Pasquale Tracanna, who was the chaplain of the Confraternity, resided in his parental home near the Church of St. Roch, and it was therefore easy for him, by virtue of the concession granted, to take the Holy Eucharist from there for the sick, without having to go to the distant parish church. This is also confirmed by the sworn testimony given by four elderly men, all of whom were nearly seventy years old, before the lay magistrate, in a notarial act: "The church 'of St. Roch existed before there was a Confraternity, and it was served by a priest who, when necessary, took the Holy Eucharist from that church for the dying. In other words, that church served the parish priest as a chapel of the parish church, so that he would not have to go to the mother church, which was very far away." Since the concession granted to the Sodalitas imposed the obligation of maintaining the church properly, this is derived from the fact that the Sodalitas had requested this privilege and had obligated itself to ensure the proper preservation of the Eucharist. Furthermore, it should be noted that the Eucharist was not reserved in the altar of the Sodalitas, but in the larger chapel under the patronage of the Congregation of Charity, and that certain expenses were imposed on the parish priest, as appears from the act of the Sacred Visitation of 1883: "to repair the lining inside the custodia and to renew the larger wax covering - by the parish priest." Another argument put forward by the defender lawyer is based on the decree of erection of the Sodalitas and the approval of its rules, issued by Archbishop De Marinis on July 28, 1859. Indeed, in Article 5, it states: "Any other function, in addition to the usual ones of the church and the Confraternity, will depend on the spiritual father and the Prior of said Confraternity, who are obligated to assist in them, as well as to assist in those of the mother church at the request of the parish priest," and in Article 1, it states: "and to participate in the pious functions in the church under the title of St. Roch." From this decree, the defender lawyer concludes that the church of St. Roch belongs to the Sodalitas, and there can be no doubt about it. However, several obstacles have been noted by the Reverend Fathers to this conclusion. Firstly, in the decree of erection, there is no mention of the assignment of a church or altar to the Confra-

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ternity, but only that: "We decree to establish and erect it... in the town of Arcismoutisplani." The assignment of an altar or church in which the sacred functions are performed, according to some authors and according to a decision issued by the Sacred Congregation of Propaganda Fide, is a specific characteristic by which Sodalitates are distinguished from pious Unions. Thus, Aichner, in comp. Iuris can., p. 519, says: "This is especially the characteristic by which confraternities are distinguished from those Sodalities or ecclesiastical associations."

[*Latin ed. p. 418*]

418 Acta Apostolicae Sedis. - Commentarium Officiale: "Circumstantiae diversas, quae ad necessitates proximarum temporum pertinent, sunt in hac nostra aetate inductae. Nam, etsi hae [fraternitates] aliquas gratias et preces sibi adiunctas habeant, tamen "nullae ecclesiae vel altari sunt alligatae, et propterea non sunt, in veritate, fraternitates, utut caeteroquin earumdem formam imitentur." Sacra vero Congregatio de Propaganda Fide, rescripto diei 8 Iulii 1855, sanavit et convalida nonnullas erectiones Confraternitatum, quae factae fuerant absque assignatione ecclesiae vel altaris. Unde invocari potest principium iuris: "quod nullum est, nullum producit effectum." Neque aliquid relevat in casu quod in primo statutorum articulo dicatur de sodalitate: "e seguendo le pie funzioni nella chiesa sotto il "titolo di S. Rocco", quia Sodalitas in ea ecclesia non erat tamquam domina, sed simpliciter uti hospes. Revera ipsa in petitione facta Episcopo De Marinis pro obtinendo altari B. M. V. a Carmelo, die 11 Iunii 1862, seu fere post tres annos ab eius erectione, fatetur se nullum proprium altare habere in dicta ecclesia pro peragendis sacris functionibus: "non ha sino ad oggi un altare proprio a funzionare." At si nullum altare proprium habuit ab initio, et si post dictam petitionem tantum obtinuit altare B. M. V. a Carmelo, iniuria nunc ipsa praetendit sibi asserere dominium super ecclesiam, quae ad parochum pertinet, ut infra probabitur. Quin aliquid in contrarium operatur art. 5 Statutorum productus relate ad functiones in ecclesia S. Rochi peragendas: vel enim hic articulus intelligendus est cum necessariis limitibus ad tramitem decreti Urbis et Orbis S. C. RR. anni 1704, quando agitur de Sodalitate erecta in ecclesia aliena dependente a parocho, ut explicat Vicarius Generalis Theatinus: "Si ha tutto il diritto di ritenere che l'approvazione fu data "limitatamente cioè a quelle disposizioni che non si oppongono ai diritti "parrocchiali, tanto più che gli statuti e le regole della Chiesa di S. Rocco "sono identici agli statuti ed alle regole di tutte le confraternite del "Regno di Napoli, come risulta dai regolamenti delle Congreghe che "si conservano in Curia"; vel ita est explanandus ceu vult Archiepiscopus actualis, quod omnis alia functio Sodalitatis praeter solitas Ecclesiae et Sodalitatis respective ab huius capellano et parocho exercendas determinabitur, de communi consensu, a capellano et praeside sodalitatis, et in hoc sensu esse intelligendum suadet factum

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iuxta Archiepiscopum, quia "il parroco esercitò sempre in S. Rocco la sua giurisdizione "facendovi novene, funeri, ed altre funzioni." Revera optima legum interpretatio adinvenitur in subsecuta observantia quae declarat statum antecedentem, etiamsi contraria intelligentia esset de iure verior, ut tradit S. Rota, coram Molines Decano apud Scarfantonium, tom. 1, in vot. decis., p. 131.

[*Latin ed. p. 419*]

Book IV, Chapter 419. Furthermore, the procurator of the confraternity refers to a transaction begun on June 18, 1892, between the parish priest of Tracanna and the chaplain of that confraternity, concerning which an exposition of past events has already been made, and which was confirmed by the approval of the Theatine Vicar General, Raphael Valenza. But, setting aside the fact that this agreement was not voluntary, because the parish priest of Tracanna, as he himself confesses in a letter of 1896, was deceitfully circumvented by the aforementioned Vicar General: "One day, the Vicar General (Valenza) 'with two canons, trapped me, making me sign a declaration in which the revenues that were had in that church on the days of August 15 and 16... were to be divided between the parish priest and the chaplain'," it can be observed that this agreement lacked papal approval, and therefore could not bind the succeeding parish priest, who cannot have his rights prejudiced by a predecessor, when ecclesiastical benefices are to be conferred without diminution. Finally, concerning the expenses incurred by the confraternity, the Reverend Fathers noted the following. Indeed, it is certain that the confraternity undertook several expenses, either for the construction of the bell tower, and the purchase of the bell, or for the repair of the walls and floor of the church, or for the acquisition and repair of the pneumatic organ. However, setting aside the fact that, for expenses related to the maintenance of the church, not only the parish priest but also the confraternity is obliged to contribute, since it has its own altar there in which it performs its functions, the expenses made by the confraternity were not always covered by its own funds, but in the majority of cases, from the offerings of the faithful. Thus, for the repair of the floor and walls of the church, which took place in the years 1894 and 1899, or after the agreement of 1892, it can be argued that, at that time, the offerings were in the custody of the confraternity's chaplain, depending on a certain commission, and according to the decree of the Archbishop of July 20, 1867, half of the price from these offerings was to be allocated to the maintenance of the church. Thus, for the acquisition of the bell, the Archbishop contributed the sum of 40 ducats; for the organ, which was acquired with the confraternity's own money, as seventy-year-old Eliodorus Tracanna, brother of the deceased Archpriest, declares under oath; as for the other expenses, both he and his brother Lucianus, aged 67, likewise declare under oath that these were the result of the sale of donations: "All the restorations made in the Church

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of St. Rocco were 'made through the sale of the gifts offered to St. Rocco, and my brother, I recall, immediately after the feast of St. Rocco, requested 'from the Archbishop the alienation of the donations, and with the money obtained, 'we bought furnishings and restored the church.'" Therefore, the confraternity cannot claim any right to the property of the Church of St. Rocco based on the expenses incurred.

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis. - Official Commentary. The fact that the intention was not approved by his confraternity was sufficient for the parish priest, because, as Cardinal De Luca states in *Theatrum Veritatis de iudic. disc. 2*: "When a good intention is not proven, the actor prevails over the accused." However, the Reverend Fathers, examining the documents presented by the parish priest, judged that these documents demonstrated his good intention regarding the subordination or belonging of the Church of St. Roch to the parish of St. Mary of the Stone. Firstly, the aforementioned oratory, before the erection of the Confraternity of the Most Holy Sacrament, belonged to the parish. This is proven by the opposition that was raised in 1851 against the erection of the Confraternity in the same oratory by the then parish priest, Laelius Subranni, considering it prejudicial to himself. The parish priest, in a petition submitted to the Curia, called the oratory "una chiesa che mi appartiene" (a church that belongs to me). The Curia, recognizing the parish priest as the legitimate owner of the aforementioned church, decreed on January 8, 1852, that it was necessary to obtain his consent: "To allow the Confraternity to be erected in a church belonging to the local parish, it is necessary to request it, whether he consents or not, so as not to violate his rights." Furthermore, the necessity of his consent was also known to the pious persons who were urging for the erection of the aforementioned Confraternity, as is evident from the petition they presented to the Archbishop: "She herself (D. Raffaele Valenza) made us understand that in order to obtain this pious institution, it was necessary to submit three requests: one to the Signor Intendente, another to the Parish Priest, and a third to the Mayor..." In 1857, during the Visitation, Archbishop De Marinis ordered the parish priest to keep the offerings made each year on the occasion of the feast of St. Roch, together with the Deputy for the festivities, thereby recognizing the parish priest's jurisdiction over the oratory. Indeed, these acts and declarations, issued by the Curia, best demonstrate the subordination of the oratory, as St. Rota stated before Priolo, in decree 253: "This declaration (of the Vicar of Usküb) must be given great consideration, because it was made by someone who was likely informed about the status and condition of the benefices"; and rightly so, because ordinaries are presumed to be well informed about the status of their churches. Furthermore, the fact that the status of the Church of St. Roch was not changed by the decree of erection of the Confraternity

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of the Most Holy Sacrament on July 28, 1859, is evident from the fact that the word "consent" or any similar term does not appear in the decree, and this is easily explained by the fact that the erection was not made with the designation of an altar or church, so that the parish priest could not have ceded or consented to anything. However, things were different when it came to granting the aforementioned Confraternity the right of patronage over the altar of the Blessed Virgin Mary of Carmel in the same oratory. The Confraternity, not having its own altar there, had been exercising sacred functions with the kind permission of the parish priest for three years, as stated in...

[*Latin ed. p. 421*]

In the year 1862, the Sodalitas presented a petition to the Archbishop, requesting the aforementioned altar, the entire text of which was written by the curate, Pasquale Tracanna: "It does not, up to this day, have its own altar in operation." This petition was rejected by Archbishop De Marinis with the following response: "It should be provided, taking care not to infringe upon the rights of anyone, should such rights exist." Subsequently, a clause was added to the relative decree of concession: "with all parochial rights reserved." This response, as well as the deliberation in which the Sodalitas, lawfully convened, delegated Father Spadaccini to present the aforementioned petition, have been lost; however, the authenticity of the response is confirmed by the Chancellor, who, in 1892, saw it attached to the book of deliberations of the Sodalitas. Furthermore, an authentic copy of the deliberation, the relevant page of which had been removed from the same book, was found in the archives of the Curia and transmitted to this Tribunal. It should not be said that the reservation made only concerned those rights which are reserved to the Parish Priest by reason of parochiality, and not others which the Parish Priest exercised in the aforementioned oratory before the erection of the Sodalitas, such as the celebration of functions, the collection and retention of offerings on the occasion of the feast of Saint Roch, and other similar matters, because the status of the Church was not changed by the aforementioned erection, and the Sodalitas of the Most Holy Sacrament acquired patronage in 1862 only with respect to the altar of the Blessed Virgin Mary, belonging to the Carmelites. Thus, also, this Tribunal in Perugia, in the session of December 2, 1711, before Ansaldo, in the case reported by the aforementioned Scarfantonio, volume 2, page 2, decree 35, number 14: "The aforementioned clause, while preserving, however, the parochial rights of the church in all respects, generically preserves all and sundry rights belonging to the parochial church and its parish priest, which were previously held and exercised in the same place, and therefore prevents any effect from being considered as having changed the ancient status which militates for the parish priest, as Monacell clearly and precisely states in the formula of canon law,

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title 13, paragraph 1, number 181." Furthermore, all of this is confirmed and strengthened by the subsequent observation that the Sodalitas of the Most Holy Sacrament continued to exist in the Church of Saint Roch: in it, the parish priest, or curate, Pasquale Tracanna, performed several acts and functions which clearly demonstrate that the Church of Saint Roch did not cease to be dependent on the parochial church. Indeed, the curate Tracanna, in 1863, carried out a temporary translation and reservation of the Most Holy Eucharist in the Church of Saint Roch for two months, during the restoration of the roof of the parochial church and the construction of the main facade. In the years 1861, 1862, and 1867, the parish priest petitioned the Curia for the celebration of the feast and novena of Saint Roch, with the exposition of the Most Holy Sacrament.

[*Latin ed. p. 422*]

In the year 1866, the same [person] obtained the faculty of disposing of votive offerings and a portion of the wax collected on the feast of Saint Roch, for necessary repairs to the Oratory; also, in the year 1864, the same economist, residing in Tracanna, responded to the request of the Royal Commissioner of the town of Arcismontesplani, who was asking him to transfer the existing votive offerings located in three chapels: Saint Charles, the Blessed Virgin of Gratiarum, and Saint Roch, and he stated that he would take care of them, because the aforementioned chapels were churches under his jurisdiction. Indeed, these actions undertaken by the economist, with the acquiescence and patience of the existing Sodality of the Most Holy Sacrament, have great relevance and demonstrate the ambiguous right according to what is stated in the cited document from Perugia, number 22. Similarly, other facts can be presented; for example, in the year 1868, two new altars were constructed in the church of Saint Roch, one dedicated to the Blessed Virgin of Divine Love and the other to Saint Lucy, and the economist, Vezzani, requested from the Archbishop the faculty to bless them and, furthermore, to celebrate a novena in honor of the Blessed Virgin of Divine Love, with the exposition of the Most Holy Sacrament each day, along with the granting of a forty-day indulgence on the feast day. But one might ask, on what grounds could the economist have made this request, if the parish church was not subject to him, since there existed within it a Sodality of the Most Holy Sacrament? Nor could the fact that the economist, Tracanna, resided for several years in the chapels of the Sodality be usefully opposed, firstly because all petitions and other actions undertaken by him always appear to be signed with the qualification of "economist"; secondly, because these two petitions from the year 1867, concerning the blessing of the new altars, show the subscription of the economist, Vezzani, who was not a chaplain of the Sodality. The Reverend Fathers did not consider it necessary to recall the act of the Visitation carried out in the year 1883, at a time when there was

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no suspicion or several years before the present question arose concerning the contested decree of the current Archbishop from the year 1907. In the aforementioned decree of the Visitation, the Church of Saint Roch is called a branch of the parish, and certain things are prescribed to be done by the parish priest and others by the Sodality of the Most Holy Sacrament: it is stated that the Most Holy Sacrament is kept in the main altar under the patronage of the Congregation of Charity, "to facilitate the administration of the Sacraments," and the parish priest is ordered to "repair the lining inside the custody and renew the larger wax." From the fact that a simple church was established as an aid to the parish, or that the Sacrament of the Eucharist is kept there for the greater convenience and service of the faithful, it is well deduced that said church is, as a filial church, subject to the parish, as it has.

[*Latin ed. p. 423*]

The Roman Rota. In the aforementioned decision of the Perugian court, numbers 5 and 30, and this is all the more so because the Brothers of the Most Holy Sacrament, from the very beginning, have recognized this "mother church" or "superior church" within their rules: "The Brothers will participate in all public processions of the 'mother church' (article 3). The Confraternity is obligated to attend the 'functions in the mother church' (article 5)." And the parish priest of Subranni, in opposition to the erection of the Sodality of the Holy Suffrage in the chapel of Saint Roch, likewise refers to this quality, stating: "This struggle (for erection) has the 'aim of abolishing the Mother Church.'" The "mother church," according to Barbosa in his collection, *Doctor*, in the chapter concerning churches, is defined as the one which has other churches subject to it. Furthermore, in the inventory drawn up by the parish priest in the year 1894, in the review of the furnishings existing both in the parish church and in the other churches dependent upon it, the church of Saint Roch is included among these; and in the description of the objects belonging to it, there are two distinct catalogs, namely, the objects of the Church and the objects of the Sodality of the Most Holy Sacrament, and furthermore, objects are listed which the parish priest had acquired for this church since the year 1882. Indeed, all of these things clearly demonstrate that the same parish priest considered the church of Saint Roch as being annexed to his parish, even if the altar of the Blessed Virgin Mary of Carmel, which the Sodality had already obtained from the Archbishop De Marinis for the performance of its functions, was removed. Moreover, there are four witnesses, who, due to their respective advanced ages, namely 70, 75, 78, and 68 years, and their own knowledge, are most likely informed about what has happened in said church; these testify under oath, sworn before a civil magistrate: "that the Confraternity of the Most Holy Sacrament in Roccamontepiano 'has never had dominion over the church of Saint Roch, but has had only

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one altar there, where it has always functioned'; that 'the church of Saint Roch was, before there was the Confraternity, served by the parish priest, who, when it was necessary, took the Viaticum for the dying from that church. In a word, this church served the parish priest as a 'branch of the parish for the pastoral ministry, so that he did not have to resort to the mother church, which was very far away.'" To these depositions, there is added the testimony of the President of the Municipality and two brothers, who were the deceased parish priests Tracanna, who also testify to the full parochial jurisdiction over said church. Therefore, the Reverend Fathers, with just and proper judgment, have decided that the Sodality of the Most Holy Sacrament has the right to perform non-parochial functions in its own [church].

[*Latin ed. p. 424*]

424 Acta Apostolicae Sedis. - Official Commentary. to the altar, but under the authority of the parish priest: for although it is located in a church that is not its own, and retains one of the altars of that same church due to a granted patronage, it is necessary that it proceed in harmony with the rector or parish priest of that church, to whom it is subject; and this in accordance with the dispositions of the Most Holy Congregation in the General Decree for the City and the World of December 10, 1703, in response to question 2. For the doubtful proposition: "Do these confraternities established in chapels, oratories, both public and private, annexed to parochial churches and dependent on them, have this dependence on the parish priest with regard to said ecclesiastical functions that are not parochial?" the answer was: "Affirmative." However, these functions can also be exercised in other altars with the consent of the rector of the same church. Regarding the funeral services to be performed in the church of Saint Roch, the Most Reverend Fathers judged that these pertain to the same parish priest, and this in accordance with the aforementioned General Decree of the Most Holy Congregation, which, in question 20, states: "Does it pertain to the parish priest to perform the funeral office over the bodies to be buried in the aforementioned public churches and oratories of Confraternities?" the answer was: "Affirmative, when the deceased is buried subject to the parish priest, within whose jurisdiction is the church or oratory," and this applies extensively to funerals of members of the confraternity, or to other parishioners who are subject to the parish priest, whether members or not. To the actual Archbishop of Theatine, who asked the Sacred Congregation of the Council: "Does the response to question 20 in the same decree apply to all parishioners without distinction, or only to those who are members of confraternities?" the same Sacred Congregation of the Council responded on March 24, 1906: "Affirmative to the first part; negative to the second." For the funeral office is considered as a function strictly connected with the parochial ministry towards deceased parish-

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ioners; however, this must be understood without prejudice to the choice of burial made by the deceased in a foreign church, or in a non-Christian tomb, in which case all emoluments are ceded to the rector of the church where the burial takes place, and only a fourth of the funeral expenses is reserved for the parish priest. Finally, the Most Reverend Fathers, with regard to certainties and offerings, decreed that the enunciated dispositions in the aforementioned decree of the Archbishop of 1907, concerning articles 4 and 5, should be followed. Indeed, although the aforementioned General Decree of the Sacred Congregation applies a common law for the church in resolving controversies arising between chaplains and parish priests, this does not prevent the Ordinary from, for just reasons, sometimes departing from it, whenever the good of the diocese requires it, as Benedict XIV states in *Institutiones ecclesiasticae*, 105, paragraphs 94 and 95, in fine. "From these things which have been said thus far, it is easily understood that the Sacred Congregation, while considering the parish priests among..."

[*Latin ed. p. 425*]

Saint Bonaventure wrote: "When settling disputes among chaplains, it must not be understood that the intention was to infringe upon the jurisdiction of bishops, nor to prevent them from ever departing from the decrees themselves, even if a legitimate reason arises and the utility of the diocese seems to require otherwise"; and in confirmation of this doctrine, citing several subsequent declarations of the Most Holy Council, added to the aforementioned general decree, in number 95, it concludes: "These statements clearly demonstrate a great distinction between the rights of pastors and bishops, and because of the decrees mentioned above, no one can prevent a bishop from enacting something contrary to those same decrees, if it is necessary and the utility of the diocese requires it." The Archbishop, in the introduction to the decree, adds several reasons, as is evident from its text, and in particular, "with the aim of putting an end to any rumor and discord, and taking into account the latest dispositions of the Council, as well as the tables of neighboring countries and local customs, we decree, etc." Therefore, nothing must be taken away from the value of the decree. In law. - Many concerns have already been raised in the preceding text. Here, it is sufficient to note only the following. Among canonists, there is a distinction between parochial rights, parochial functions, and sacerdotal functions. The first are those that pertain solely to the pastoral ministry; the second are those that are specifically intended for the parish priest; and these are so called as stated by Benedict XIV, in the first book, chapter 1, number 92: "because they pertain to the parish priests themselves, or at least are suitable for them, either because of the nature of the offices, which are completely connected with parochial rights, or because of the dignity and connection that parish priests have with the pastoral office, for the sake of which the parish priest performs the duties of the bishop": but

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sacerdotal functions are those that are common to all churches and priests; as Van de Burgt says in *De eccl.*, page 1, number 217, or as Benedict XIV says, in the first book: "that which is decreed is sacerdotal, not parochial." With this distinction established, if we are speaking of parochial rights or functions, the parish priest has, in law, a private intention regarding the rector of any church within the limits of his parish: "The Most Holy Rota," says the aforementioned decree, number 988, number 11, "has ruled that proceedings should be taken with a distinction, because, as far as this private right to exercise ecclesiastical functions is concerned, it refers to those that are, by law, parochial, it cannot be judged in the same way, but rather in favor of the parish priest, to whom, without a doubt, privately, with respect to any rector of another church or oratory within the limits of his parish, the exercise of these functions pertains." Benedict XIV, in the first book, number 109. Otherwise, it is to be judged differently if we are speaking of purely sacerdotal functions, "for, as the aforementioned decision continues, the parish priest has no right to prohibit them."

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis. - Official Commentary. "To the rector of another church, unless it has been established by some privilege or agreement in the foundation itself." To resolve these distinctions and the questions that frequently arise between confraternities and parish priests, a celebrated decree was issued on December 10, 1703, by the Most Holy Congregation of Urbis and Orbis, and approved by the Supreme Pontiff Gem. XI on January 12, 1704. The Sacred Congregations generally do not deviate from this decree when resolving such controversies, as testified by Aichner, § 145, n. 4. Taking into account the relationship of subjection and freedom with which churches can be joined, the decree distinguishes between churches and oratories in which confraternities are established, dividing them into two types: those that are dependent and those that are independent. Those that are dependent are oratories located within the parish church itself, as well as churches and oratories that are erected within the boundaries of the parish, and are attached to or annexed to the parish church. Independent churches and oratories are those that, although located within the boundaries of the parish, are separate from the parish church. The Sacred Congregation declares that churches of the former type are subject to the parish priest in the exercise of ecclesiastical functions (in response to questions I and II). This subjection arises because the parish priest has jurisdiction over such an oratory or church, as stated by Benedict XIV in the cited Instruction, n. 162. Churches or oratories of the latter type are not subject to the parish priest in the exercise of ecclesiastical functions (in response to questions III and IV), because such churches and oratories are free from the jurisdiction of the parish priest. (Benedict XIV, I. c, n. 108; Van de Burgt, I. c, p. 1, n. 211). It has already been established that

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the church or oratory of St. Roch in Roccamontepiano is subject to the parish priest of St. Mary of the Stone, either because it was established as a subsidiary church of the parish, or because the parish priest exercised acts of jurisdiction there, both before and after the establishment or reception of the Confraternity of the Most Holy Sacrament; therefore, the Confraternity can perform its ecclesiastical functions in its own altar, but under the authority of the parish priest. Therefore, the defense from Aversa incorrectly argues that the decision recently issued by this Sacred Tribunal on July 10 of the previous year in the case of "Ugentina Iurium," before Persiani, between the Confraternity "Mater Misericordiae" of Castrignano del Capo and its parish priest, should be applied in this case. For in that case, the Confraternity was entirely independent from the parish priest in its own church, as the words of the decision indicate: "The Reverend Fathers noted that the Confraternity - Mater Misericordiae - of Castrignano del Capo is in possession of the church of the Immaculate Conception, and that there appears to be no condition imposed on this possession, and that, from the time of its founding, it has continuously exercised its functions." Furthermore, the parish priest Marg-

[*Latin ed. p. 427*]

The Roman Pontiff could not, by any title, claim jurisdiction to judge that church which was subject to him. Now it would be necessary to speak of the novendial devotions, of the Vespers, and of other functions which are customary on the occasion of the feast of Saint Roch, and of other extraordinary functions, such as litanies and responses, ordered to be celebrated by the piety of the faithful, as well as of the alms and other uncertain offerings which are usually received in the aforementioned church; but to discuss these matters would be superfluous, since it has already been demonstrated that the Ordinary is not hindered by the aforementioned decree from issuing suitable provisions to prevent scandal, as was indeed decreed by the Archbishop of Theatine on the 4th of January, 1907. Having carefully considered all of this in fact and in law, and invoking the name of Christ, We, the undersigned Auditors sitting for the Tribunal, and having only God before our eyes, concerning the proposed question, namely: "Whether and what rights pertain to the Sodality of the Most Holy Sacrament in Roccamonteplano, or over the Church of Saint Roch, or over the functions and funerals to be celebrated therein, or over the uncertain matters and offerings arising from the same, we answer as follows: Regarding the first part of the question, or concerning the rights over the Church of Saint Roch, 'No,' except for the altar of the Blessed Virgin Mary, which belongs to the Carmelites, in which the Sodality may perform non-parochial functions under the authority of the parish priest, according to the decree of the Sacred Congregations of Rome and the World of the 10th of December, 1703. Regarding the second part of the question, or concerning funerals, they are

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subject to the parish priest, pending a resolution of the Sacred Council of March 21, 1907, in response to the second part. Regarding the third part of the question, or concerning the uncertain matters and offerings, the decree of the Archbishop of Theatine of January 4, 1907, should be followed; and thus We decide and declare, and finally pronounce our judgment, establishing furthermore that the expenses of the present judgment are to be borne by the parties.

So We pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, to enforce this Our judgment, and against those who resist, to proceed according to the norms of the sacred canons, especially chapter 3, session 25, of the Council of Trent; using the executive and coercive means which will be most appropriate for the circumstances.

Rome, on the 23rd of March, 1911.

Joseph Mori, Prefect.

Frederick Cattani.

Anthony Perathoner.

Sac. Tancredes Tani, Notary.

[*Latin ed. p. 428*]

Acts of the Apostolic See. - Official Commentary. MECHOACAN. CREDITS. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on June 1, 1911, the Most Reverend and Most Eminent Fathers, William Sebastianiii, Prefect, Seraphinus Manu, and Aloysius Sincero, Auditors, in the case of "Mechoacan. - Credits," between the Reverend Ladies Angela and Mary Garrasquedo, represented by their legitimate procurator, Vincent Adv. Sacconi, and the Province of Mechoacan of the Order of St. Augustine, represented by their legitimate procurator, Thomas Adv. Ambrosetti, rendered the following definitive judgment.

Father Ignatius Gracia, Prior of the Order of Hermits of St. Augustine in the Province of Mechoacan, in Mexico, on April 12, 1856, by a public instrument, leased to Mr. Mucio Valdovinos the estate called "Santa Monica" for nine years, with an annual agreed rent of 11,000 scudi (commonly called pesos). Furthermore, in the same instrument, Father Gracia declared that he had received from Mr. Mucio the sum of 22,000 scudi as an advance payment corresponding to two years of the lease.

It is important to note the following:

1. That in this case, there was no true and proper lease, since the land had already been leased to several other tenants; hence, the new tenant acquired no right other than that of demanding the rent from the previous tenants.

2. That the estate of Valdovinos was, until the year 1845, attached to the Order of the Augustinians, and in it, the said Order performed important

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services.

Two months after the commencement of the lease, due to the sad times that then threatened the Church in Mexico, on June 25, a law was promulgated: "Concerning the Dispossession of Church Properties," whose Article I reads as follows: "All rural and urban properties that today are 'and are administered by civil and ecclesiastical corporations of the Republic, shall be assigned in ownership to those who rent them, for the price corresponding to the rent they currently pay."

After the promulgation of this nefarious law, Mr. Mucio, "not being justly obliged to continue the lease of the estate of Santa Monica" (Sum. addit. Doc n. 13), decided to terminate the lease of April 12, 1856, and the lease was indeed terminated by a public instrument on September 15 of the same year, signed by

[*Latin ed. p. 429*]

Saint Roman Boot. 429, also to Mucio and from Father Ignatius Contreras, the Provincial Commissary and successor to Prior Gracia. In the same document, it is read concerning two years of anticipated pensions: "Mucio V. offers to come to an agreement with the aforementioned Province, and if, by chance, this could not be realized, he will diligently pursue the revenues of the estate of Saint Monica, for which purpose a formal mortgage shall be made." Notwithstanding this caution, the aforementioned Contreras, in another document dated November 6, 1857, promised Reverend Valdovinos the restitution of the sum of 22,000 scudi, with semiannual interest, and delivered to him public bonds (Buoni), the price of which was to be applied to the payment of the debt. We read: "As a consequence of this obligation, the aforementioned Province cedes and transfers to the aforementioned Mr. Valdovinos the bonds, which he is charged with redeeming from the supreme Government, and which represent the conversion of the debt in favor of the sums with which he contributed to the sum of 600,000 scudi, which the Holy See gave to the general government. Once these bonds have been sold at the current price, the aforementioned gentleman will apply them to the revenues and capital, repeating, I, the Reverend Provincial, that because the debt is so sacred, I will put into action every resource, so that it may be extinguished within the year." The value of the bonds amounted to the sum of 7000 scudi, which sum, contrary to what had been agreed, Father V. Contreras ordered to be delivered to D. Raphael Cancino, the Province's procurator; which Mr. Valdovinos eventually, and only in part, fulfilled; but by what means, will become clear below. In the meantime, the Reverend Mucio passed away, and in his public will, dated July 26, 1864, he appointed his sister, Raymunda, as his heir, who was succeeded by her niece, Eleonora; but the latter, in her will dated September 2, 1880, designated her daughters, Mary and Angela Carrasquedo, as her heirs, who, through John Infante, Angela's husband, summoned the Augustinian

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Province of Mechoacan before the Ordinary of the City of Morelia, for the restitution of 22,000 scudi, as mentioned in the document signed by Father Gracia on April 12, 1856, and also in the document dated November 6, 1857. The Augustinians invoked the privilege of exemption from the jurisdiction of the Ordinaries. But the General Vicar of Morelia, acting in the role of judge, rejected the exception in two judgments, declaring himself competent, and on July 24, 1908, he defined the matter in dispute, ruling that the Augustinians were liable for the debt and interest up to the last five years. The Augustinian Fathers appealed to the Holy See, and then the cause, at the urging of the procurator of the Carrasquedo sisters, was brought before the Holy Congregation of Religious, and by a rescript of His Holiness dated April 6, 1909, it was referred to our Sacred Order, and today it is presented for discussion with the following two agreed-upon questions. I. Whether the judgment of the General Vicar of Morelia, dated July 24, 1908, is null.

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis. - Official Commentary. Whether the present situation arises from incompetence, or rather, whether it is valid and has passed into a settled matter. II. Are the Augustinians obligated to pay to the Lords Angela and Maria Carrasquedo the sum of 22,000 coins (commonly called pesos) with interest, in the event of a lawsuit? Regarding I. It is well known that the privilege of exemption from the jurisdiction of Bishops belongs to Regular Canons, and especially to Mendicant Orders, such as the Order of Eremites of St. Augustine, and that they are not subject to being convened before the local Ordinaries in criminal and civil cases. This privilege has not been abrogated by chapter 1, Innocent IV, De privilegiis in VI, as Fagnanus rightly points out in chapter 11, De privilegiis. See Decret. Greg. IV, from n. 10 to the end, and Paul V declared, based on the judgment of the Holy Congregation of Cardinals, in the constitution Religiosorum, August 24, 1607 (Bull. Rom. Tom. XI, page 435). Regarding the Eremite Brothers of St. Augustine in particular, it is sufficient to cite two constitutions, which settle the matter beyond all doubt. The first is from John XXII, Dem. VI, Ad fructus uberes, 14th day before the Kalends of August, 1346, "in which the Augustinians are 'granted the privilege' that they may not be convened before any diocesan or local Ordinary, or any other 'judge,' for any reason whatsoever, 'contrary to any reservations' in papal bulls and other constitutions." The second is from Sixtus IV, Dum fructus uberes, 7th day before the Ides of February, 1474, "in which he decrees that 'all things done against the brothers, houses, and places' shall be 'of no validity or consequence,' and shall be 'considered void,' even in matters of contract, or offense, or any matter whatsoever, wherever the contract is made, the offense is committed, and the matter itself takes place." This constitution of Sixtus IV was confirmed by Julius II in the Brief "Etsi ad benemerendum," June 1, 1502. Therefore, there is no room for doubt that the Augustinians

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cannot be convened before the local Ordinaries for offenses, contracts, or matters, even if the place is not exempt. Therefore, if we grant that in the present case the script of the day of November 6, 1857, for which the Augustinians of the Province of Mechoacan were convened before the Ordinary of Mechoacan, was concluded in a place that was not exempt, or outside the convent, then it must be concluded that the aforementioned Ordinary was incompetent, and that his judgment was and is null. Two difficulties can be raised against this conclusion. The first arises from the constitution of Gregory XV, "Sanctissimus," September 20, 1621, in which § 6 and 7 prescribe that Regular Canons, within two months of the promulgation of the constitution in Italy, and six months outside of Italy, must choose Conservators according to the form prescribed therein, "otherwise (the Pope continues), after the expiration of that term, as long as the Conservators..."

[*Latin ed. p. 431*]

Section 431: "Those who have not chosen a 'mam' [representative] according to the present constitution, shall be convened before the same Ordinaries." This constitution extends to all religious, even the Mendicant Orders, as is evident from the very effective clauses which the Pope added at the end; and thus it was decided by the Holy Congregation of Councils on April 16, 1648, in articles V and VI; these decisions were confirmed and promulgated by Innocent X in the Bull "Cum sicut accepimus" on May 14, 1643, or 1653. However, the difficulty vanishes if the subsequent times are considered. Indeed, Clement XIII, in the constitution "Cum omnium" of April 18, 1762, because of the inconveniences and dangers of every kind which arose in the territories of the infidels from the election of 'Conservators,' expressly declared that it was not advisable for any religious, even the Mendicant Orders, in mission territories to make use of the privileges of 'Conservators.' However, when the same inconveniences and dangers occurred even in nations under the ordinary jurisdiction of the ecclesiastical hierarchy, it gradually became the case, considering the aforementioned constitution of Clement XIII, that the use of 'Conservators' everywhere diminished, and gradually disappeared, which especially happened in our days, as noted by Santi, in "Praelectiones iuris canonici" in Title XXIX, Book I: "In modern customs, the authority, or jurisdiction of 'Conservators' has almost disappeared, and all matters of religious and other coetus are treated and determined concerning their privileges by the Holy Congregations." Lombardi, in "Iuris canonici privati institutiones," Volume III, page 416, second edition, writes: "Today, the use of 'Conservators' is very little, perhaps none at all," and P. Wernz, in "Ius Decretalium," Volume III, section 699, writes: "From the time of Clement XIII, constitution 'Cum omnium,' April 28, 1762, ecclesiastical discipline seems to have changed so that the office and privilege of 'Conservators' is no longer of practical importance." With the authority of the 'Conservators'

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extinguished, it must also be said that the penal sanction imposed by Gregory XV against religious who do not choose 'Conservators' is likewise extinguished. Another difficulty arises from chapter 14, session VII, of the Council of Trent, in which the Holy Synod decreed "that in civil causes concerning the merits and movable property of clerics living in the world, or religious living outside the monastery, they are in every upon way exempt, even if they have a certain judge appointed by the Apostolic See in that place; in other cases, if they do not have such a judge, they may be convened before the local Ordinaries, as if they were delegated by the same See, and may be compelled by the proper means to pay the debt, and the privileges, exemptions, appointment of 'Conservators,' and their inhibitions against the foregoing are in no way valid." To the decree of Trent, it is necessary to add the decree of Urban VIII, "Cum saepe contingat" of June 25, 1625.

[*Latin ed. p. 432*]

432 Acta Apostolicae Sedis. - Official Commentary. It is demonstrated that this difficulty is not to be considered of any great importance, if one considers the present condition of the Augustinians in the Republic of Mexicana. For it is not the case that they are unable to reside in properly ordered convents, and with the required number of members; rather, they have been forcibly expelled from their own convents, and all their movable and immovable property has been confiscated, and they are striving, with great labor, expense, and difficulty, to restore their former life and their pre-existing works in the aforementioned republic. This is testified to by the judge of first instance in the interlocutory judgment of August 1, 1905. "The public circumstances do not allow them to observe their rules exactly, nor to live habitually in community; since, with difficulty, they can gather three or four priests in a house, and this not in a permanent manner, but rather in an accidental way." Furthermore, in these difficult circumstances, it would be too harsh, and contrary to canonical equity, to judge their condition according to the strictest rules of law, and to declare them to be living outside of monasteries, and thus deprived of the privilege of exemption. For affliction should not be added to affliction, nor was this the intention of the Fathers of the Council of Tridentini and of Urban VIII. Indeed, whenever religious orders have been forcibly expelled from their convents, the Roman Pontiffs have usually treated them with a more lenient manner. Thus, as one example, or another, Pius VII, in the restoration of the regular orders in Roma, while ordering that at least 12 religious should convene in each convent, nevertheless permitted that, where this is impossible, they should convene in a smaller number, so that the restoration of the convents would not be delayed (Decree "Ubi primum," August 22, 1814). In these recent times, in convents that have been civilly suppressed in Italia, the Holy See, through the organ of the Sacred Penitentiary, has permitted that if at least three religious, of whom at least one is a priest, convene, they

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should be considered exempt from the jurisdiction of the Ordinaries (Acta S. Sedis, Vol. XXVII, pages 110-111). Therefore, the privilege of exemption of the Augustinians remains in force, and the sentence pronounced by the judge in Morelia is null, and therefore the sentence has not become res judicata, even if it has not been appealed within the prescribed period. "There are many causes (writes Devoti, Lib. III, De sent. et re iud., cap. 14) in which sentences never obtain the force of res judicata, if an appeal has not been made, and therefore they are rightly revoked... also sentences pronounced by an incompetent judge." II. Three questions must be raised in this second doubt. And first, it must be inquired into the validity and value of the documents, from which the credit arises, especially the convention of April 12, 1856. — The Augustinian Hermits of the province of Mexicana, with regard to the validity of all instruments and contracts affecting their property,

[*Latin ed. p. 433*]

The four hundred and thirty-three solemnities must be observed with such necessity that, if neglected, the foundation of any obligation for that Province would be undermined. This prescription, conforming to a law otherwise common, was renewed in the provincial chapter of the year 1844, canon 2, in these words: "The Reverend Father Provincial shall not enter into any transaction involving property, such as buying, selling, or encumbering funds, nor shall he dispose of considerable sums without the agreement and consent of the Venerable Definitorium." This decree obtained approval from the Most Holy and Religious Congregation on February 7, 1845, and was renewed in another chapter of the Augustinians held in November 1854. The Reverend Valdovinos was instructed regarding these solemnities. He not only presided over the provincial chapter in 1844, but on October 10, 1842, in the name of the Province, of which he was the Procurator, he leased the property of Taratan to Mr. Gaietano Gomez through a public instrument, to which proper testimonies were attached, signed by the Secretary of the Province, indicating the consent and the authority granted by both the Provincial Prior and the Venerable Definitorium. Indeed, in the matter, the transaction initiated by Micius Valdovinos with the Holy Province was not a true and proper lease, as stated above, but rather a cession of rights equivalent to a sale; for it cannot be denied that the contract was made with the intention that Micius should be preferred to other tenants and then become the owner, in accordance with article I of the law of June 25, 1856. Therefore, this lease, cession, or sale could not be carried out without the consent of the Definitorium, much less without obtaining the Apostolic approval. However, the instrument does not contain a single word about this consent. It cannot be said that the Prior of Gracia acted "using the ample powers that were granted to him." This expression is too vague, and, as rightly noted by the Patron of the Augustinians, in a

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matter of such grave importance, it was not sufficient to merely allege that powers had been granted; rather, these powers should have been explicitly shown, especially since the aforementioned Gracia is presented to us as so observant of the constitutions of his Order, that on April 13, 1856, i.e., one day after the lease of the property of Saint Monica, in another lease agreement between the Holy Province and Mr. Lambarri concerning the estate of Saint Nicholas, he requested and obtained the required authority of the Definitorium. Furthermore, there is no need to dwell on this matter further, since Micius, in a letter of August 5, 1856, to Father Gracia, explicitly admits the lack of observance of the solemnities (Summary, additions, page 37). Therefore, it must be concluded that the contract, in this case, is null and void with regard to the Holy Province. However, even if the agreement between Valdovinos and Gracia were considered valid, the second question to be addressed is the truth and existence of the debt; for many things occur in the documents that suggest a debt, or

[*Latin ed. p. 434*]

434 Acta Apostolicae Sedis. - Official Commentary. It appears to have been simulated, or that it had been dissolved. For the sake of brevity, we will indicate the more important facts. Reverend Mucius Valdovinos, after the convention of April 12, 1856, was concerned about taking possession of the estate leased to him: and, contrary to what was stipulated in writing on September 15, he permitted Michael Gonzalez, as procurator for the Holy Province, to demand payment from the former tenants in the name of, and for the benefit of, the same Holy Province. It is stated that Father Vincent Contreras had delivered to the aforementioned Mucius public documents held by religious, in order that he might sell them and apply the proceeds to the payment of debts. However, it is evident that Valdovinos, who, according to the terms of the instrument, should have been the true assignee and owner of the titles, on the very day that the instrument was executed, requested a certificate from the public official in the city of Morelia regarding the total amount that the Holy Province had spent through a coercive loan, and he did so not in his own name, but as Procurator for the Augustinians. Furthermore, it is established that Father Vincent Contreras, having transferred the titles to Father Valdovinos in payment, warned the Provincial Vicar, Blasius Enciso, by letter on March 24, 1859, to demand from Mucius the debt of 7000 scudi through Mr. Raphael Cancino, the Province's procurator. "Tomorrow I depart through Veracruz." "On the 27th of the current month, Father Valdovinos must liquidate and pay an account of bonds, which amounts to 7000 scudi, and Mr. Cancino is charged with collecting them." Moreover, the Procurator R. Cancino obtained a promissory note (cambiale) from Reverend Mucius for the sum of 7000 scudi: but on the appointed day, the debt was not paid; therefore, the same Cancino, in a letter of April 13, 1859, reported the following to

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the aforementioned Blasius Enciso: "The promissory note for 7000 scudi, due from Father D. Mucius Valdovinos, actually expired on the 27th of last month, but it was not paid, and I had to present it to the Notary on the same day so that it would not lose its legal force, as is customary in commerce. The instructions that Father R. Contreras gave me regarding this matter were to proceed legally without delay, but first I consulted with the Most Reverend Archbishop of Morelia to inform him of this matter." This was the reason why the Provincial Vicar Enciso convened the Fathers on August 16, 1859, and requested them: "to determine what measures should be taken to compel the Reverend Father D. Mucius Valdovinos to make the payment of the 7000 scudi that he owes to the Province, of the bonds that he received and sold on commission from the Most Reverend Rector Provincial, Father Vincent Contreras; and the Most Reverend Fathers considered the matter and resolved that a letter should be written to the Procurator of the Province in Mexico, D. Raphael Cancino, to summon him to action, which, according to law, is the most... "

[*Latin ed. p. 435*]

S. Bomana Bota. 435 "depending on the case, whatever it may be before the respective authority, for 'not having repaid that sum to the person who entrusted it.' But that Cancino diligently followed the instructions of the Venerable Definitorium is evident from the fact that, compelled by threats, the Reverend Valdovinos publicly allowed his hereditary property, called Calvario and Calabozo, to be subject to a mortgage, concerning the part pertaining to him, on June 13, 1860, with the intervention of Mr. Joseph de la Lama, Procurator for the Holy Province in legal matters. Nevertheless, two years and six months after the signing of the document, Valdovinos did not repay the sum, and therefore, Cancino found a buyer for the properties that were subject to the mortgage, namely Francis Roman, who acquired the properties for the sum of 4500 scudi. Indeed, given the admission of the debt and its existence, it is incredible that the Reverend Mucius would have allowed the debt of 7000 scudi to be extinguished by subjecting his own property to a mortgage and sale, and that he never repaid Cancino, nor protested that a larger sum was owed to him by the Augustinians, neither before the judges, nor before public notaries. And it should be noted that this was not a matter of a hidden transaction, but of a debt that was openly and publicly documented. Furthermore, Valdovinos was found to be in a position to demand his debt, if he were truly a creditor. He wrote to Provincial Enciso: "Thus, 'the main question here is to know what assets Valdovinos possesses, and you will do a great service to your Province if you discover any and communicate them to me, because the debtor possesses nothing in Mexico, not even movable property, because he lives in a hotel.'" Moreover, Mucius remains silent in his testaments, one private, dated June 8, 1864, and the other public, dated July 26 of the same year, regarding the

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debt of 22,000 scudi. Indeed, in the public testament, he even declares that his assets are so meager that he desires "a funeral with decency, which does not exceed my small resources." The testator then enumerates all of his assets, even the smallest, even those that are not due, such as a debt of 25 scudi against a certain Father John Nepomucene Tecero; he also mentions debts, but nothing about the large sum owed to the Augustinians. Finally, he instructs his heir to sell all of his assets so that "from the proceeds, all my obligations may be fulfilled and paid within the legal term." However, this sale of assets was not necessary, because the heir could easily fulfill the testamentary dispositions with the sum of 22,000 scudi, if the aforementioned sum truly belonged to Mucius. Nor can it be argued that the Reverend Mucius left in the same testament "the rights and actions that I have regarding the rent of the property of S. Monica."

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis. - Official Commentary. "Property of the Augustinian Fathers of Mechoacan." If these words cannot be referred to a debt, it is clear: 1.° from the very meaning of the words; for one thing is the right to lease, and another is the right to recover a certain sum: 2.° from the private will, where Valdovinos, noting that the same rights were being asserted regarding the contract, states: "Therefore, once order is restored, my heir should pursue this matter." Indeed, since the testator knew that the lease contract had been terminated on September 15, 1856, it was certainly not necessary to restore order in order to recover the advance payments. Perhaps the good Mucius (although it is unknown on what basis) believed that the agreement still existed in its full force before the Mexican Government, and that he was entitled to the rights that were granted to lessees by the aforementioned law of June 25, 1856. These, among other things, may be sufficient to lead us to one conclusion or another, so that we may say either that the debt was simulated, or that it was entirely paid. The Patron of the Augustinians strongly defended the simulation of the debt, and from the records it is clear that, from the very beginning of the agreement on April 12, 1856, rumors spread that it was simulated, a matter about which Brother Mucius complained to the judge in Morelia on August 21, 1856. But, rejecting the simulation, we are forced to admit the payment of the debt. Indeed, although the Augustinian Hermits may not be able to exhibit a signed document proving the payment, the facts previously recounted are of such a nature that they are presumptions, signs, and arguments that not only move the judge, but compel him to believe that the debt has been paid. "He who seeks to invalidate the force of public acts and public instruments, unless he brings about a settlement, must at least use indications and arguments of such a nature that they are similar to a settlement, and that they give the appearance of writing, which would lead to a firm belief in the payment." Rota - Beneventana - pecuniary - March 12, 1823

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before Mark. This is also taught by Mascardus - De Probationibus - Conc. 13, n. 2, and by the Doctors in common with him. But, even assuming the truth and existence of the debt, the third-party claim in favor of the Augustinians cannot be denied. The case concerns a liberative prescription, by which debts can truly be extinguished, if the required conditions are present, especially good faith and time. As for good faith, in the present case it consists of ignorance of the debt, which is evident because it does not exist, or has been paid, or has been extinguished in some other way. Furthermore, the Augustinian Fathers were certainly in good faith, who, in the Definitoria meetings held on August 6 and 16, 1859, all decided on the manner in which Mucius should pay the debt of 7000 scudi to the Province, and instructed the Procurator Cancino to do so.

[*Latin ed. p. 437*]

Saint Roman Boot. 437, concerning the competent action before the judge. Father Vincent Contreras also acted in good faith; otherwise, his conduct towards the Valdovinos would have been noted as utterly treacherous. If, however, we were to recognize bad faith in him, this could not have harmed Father Provincial Enciso, because, while bad faith harms the author of a title by universal right, the bad faith of a prelate cannot harm the successor who holds office not by hereditary right, but by right of election and confirmation from the competent authority. This good faith of the Fathers is presumed to have persisted in their successors, both because nothing whatsoever appears in the records that would suggest even the slightest suspicion of bad faith on the part of the successors, and because the patron of the Sisters of Carrasquedo offers nothing that would demonstrate, or even suggest, that the Saint Province ever acted in bad faith concerning the aforementioned debt. But if good faith cannot be called into question, then the legally required time for prescription has not elapsed. The time for liberative prescription is thirty years, and it begins to run not from the day on which the title of the credit was established, but from the day on which the creditor can legally demand his debt; for against one who is not legally able to act, prescription does not run. Furthermore, in this case, the Provincial Commissary Contreras, by an instrument dated November 6, 1857, obligated himself to pay the debt within one year, with these words: "I will use every means to ensure that the debt is extinguished within the year." Therefore, after one year, that is, from November 6, 1858, Mucius could legally demand the debt, especially since he knew very well that the Saint Province did not lack funds to pay the aforementioned debt. Each year, the Saint Province received 11,000 scudi from the estate of Saint Monica, 8,000 from the estate of Taritan, and 12,000 from the property of Saint Nicholas, in addition to other smaller revenues. With these observations, carefully considered, and invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and

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with God alone before our eyes, decide, declare, and definitively sentence: 1.° The sentence of the Court of Morelia of July 24, 1908, is null and void due to lack of competence; 2.° The Augustinians are not obligated to pay the sum of 22,000 scudi (commonly known as pesos). We further decree that the judicial expenses are to be borne equally by the parties. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains, to demand the execution of this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, concerning the reforms of the Council of Trent (Tridentini).

[*Latin ed. p. 438*]

Acts of the Apostolic See. - Official Commentary. With the aid of executive and coercive means, which will prove more effective and appropriate for the circumstances. Rome, June 1, 1911. William Sebastiani, Prefect. Seraphinus Many Aloysius Sincero. L. £ß S. Sac. Tancredes Tani, Notary. III. PATRIARCHATE OF THE GREEK-CATHOLIC RITE IN EGYPT. CONCERNING ADOPTION. (SAKAKINI-CASSAB). During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on June 10, 1911, the Most Reverend and Most Reverend Auditors, M. Lega, Dean, Prefect; Anthony Perathoner; Joseph Alberti; having considered the case of "The Patriarchate of the Greek-Catholic Rite in Egypt - Concerning Adoption," between Mr. Sakakini Habib, Count, and Sakakini Henry, presumed adopted son, appealing, represented by Mr. Vincent Sacconi, attorney; and Mr. George Cassab and his sister, on the other side, having intervened and debated in the case, the following judgment was rendered, with the Advocate for Justice present: Habib Sakakini, Count, born in the city of Cairo in Egypt, married on January 10, 1880, to Mary Cassab, who bore him only one son, who was taken by premature death. The spouses, having lost hope of having other children due to the illnesses from which Mary suffered, in order that they might not lack the comfort of children, took into their home a boy who was being raised in a public orphanage for abandoned children in Alexandria, a child of two years of age, and they raised him with paternal care. When this boy reached the age of eleven years, Count Sakakini decided to adopt him as a son, and, with the consent of Mary, the act of adoption was performed before the Patriarchal Vicar of the Greek-Catholic Rite in the city of Cairo on June 2, 1900. Not long after, in April of the year 1906, Mary Cassab, the wife of Sakakini, passed away from this life. She left no children. A question arose concerning the inheritance to be received. They endeavored with all their might to exclude Henry, the presumed adopted son, from this inheritance,

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his brother, George Cassab, and his sister.

[*Latin ed. p. 439*]

(S. Bomana Bota. 439, and his sister Farida, citizens of Egypt, residing in the city of Babylon, are contesting a matter concerning adoption, although it is said that this adoption was legitimate and valid, neither the adopter nor the adoptee have any right to obtain the inheritance of Mary Gassab. - On the other hand, Sakakini contends that neither the adoption nor the rights arising from it can be brought into question regarding the inheritance in question, since this is almost self-evident. Before this controversy reached our attention, several legal proceedings were experienced in the ecclesiastical and civil courts of the region of Egypt. This is because, in this region subject to the jurisdiction of the Mahometan Empire, due to the great difference between Christian and Mahometan laws, with regard to the legal constitution of families and the mutual relationships among family members arising therefrom, Christians have the right to use their own Christian-canonical laws, concerning the status of persons, as is stated in the Patriarchal decree of March 14, 1909: "Considering that, in order to decide on the validity of this act (of adoption), it is necessary to take into consideration and apply the 'religious laws of Christians, known as canon law or ecclesiastical canons, because the non-Muslim communities, with regard to personal status.'" Since the personal status of Christians remains intact, it follows that the consideration of matters arising in this regard is assigned to the jurisdiction of the ecclesiastical authorities, because the cornerstone and foundation of the family constitution is the sacrament of marriage. However, in these matters, the Patriarchal court appoints laymen as assessors, with a deliberative vote, which is entirely consistent with the judicial competence concerning the personal status of Christians. In this case, the legal action was first initiated by George Cassab against Sakakini Pasha Habib, and his presumed adopted son, Henry, before the civil court called Mekhemè Chariéh, in order to obtain the inheritance of their deceased sister, Sakakini. Meanwhile, Mrs. Farida Cassab, widow of Mr. Pathalloh Natíos, George's sister, petitioned the Patriarchal court of the Greek Catholic rite in the city of Babylon, requesting "that it issue a legal certificate attesting to the death of her sister, Mariette Cassab, wife of Sakakini, and that only she, the petitioner, her brother George Cassab, and Sakakini Pasha are entitled to her inheritance; and that the claims of the aforementioned Henry Sakakini, who claims that the deceased designated him as her heir by an act of adoption, be rejected as non-existent." To this petition, a counter-

[*Latin ed. p. 440*]

440 Acta Apostolicae Sedis. - Commentarium Officiale. The Count Sakakini and Henry, the supposed adopted son, objected to the compe-

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tence of the Patriarchal Tribunal, and consequently, their advocate argued, citing Article 18 of the Haitian Code, dated February 18, 1856, that "the Patriarchate is not competent to hear this case because the parties are not in agreement to recognize its competence, and because Cassab Bey had previously brought an action before the courts to have the inheritance of the deceased assigned." The Patriarchal Tribunal, on December 23, 1908, decreed: "The Tribunal declares itself incompetent to rule on the request concerning the succession of the late Mariette Sakakini, and declares itself competent to rule and decide on the question of the adoption." Count Sakakini raised an exception of absolute incompetence of the Patriarchal Tribunal, but notwithstanding this, and with that objection rejected, on March 14, 1909, it decreed: "The court decides to reject the exception of incompetence raised a second time by Henri Sakakini, and it judges that 'Lady Faride Cassab, widow of the late Pathalloh Bey Nahos, and her brother George Cassab Bey, have the right and interest to bring this case; in the substance of the matter, it declares null and void the act of adoption of June 2, 1900, made by Lady Mariette Sakakini and her husband, Count Sakakini Pacha, in favor of Henri Sakakini.'" Against this judgment, Count Sakakini and the supposed adopted son appealed to the Holy See; the Most Holy Father, however, dismissed the case with a decree from the Tribunal. George Cassab objected to the competence of the Holy See Tribunal, arguing that the matter was not, in this case, a spiritual matter, but in a hearing on May 6, 1910, after the case was presented through a memorial, and after the advocates of the parties had been heard in oral discussion, the objection of incompetence was rejected with the following decree: "Considering that the decree of the Pontifical Commission, in itself, does not prevent the case from being heard and decided on the preliminary exception of declinatory jurisdiction due to incompetence ratione personarum; considering that in this case, the matter concerns the validity of the adoption, which is a matter connected with the marriage, especially due to the impediment of legal consanguinity; considering that in this case, it was entirely proper for the plaintiff to bring an appeal to the Holy See against the Patriarchal judgment; having considered these matters..." the exception of jurisdiction due to incompetence was rejected. In execution of this decree, the advocates of the parties agreed before the Dean to the following request: "Whether the adoption, which was carried out on June 2, 1900, is legitimate and valid, in all its legal effects, etc...." But this ambiguous formula was not accepted by them.

[*Latin ed. p. 441*]

Saint Roman Bota. In the year 441, George Cassab declared that the matter had been examined personally by the Tribunal, with the consent of the opposing party, and that he had requested that he be recalled for further examination regarding the exception of absolute incompetence, and,

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subordinately, that the formula of doubt be reformulated in the following exact words: "with regard to all legal effects." The question was proposed through a memorial, called in to the cause, even on its merits, by the Promoter of Justice, and after an oral discussion in the hearing of November 21, 1910, the following decree was issued: "The Reverend Fathers of Tournon considered, "with regard to the appeal presented by Mr. George Cassab, that the doubt had been agreed upon by the representatives of the parties in common accord, and not ex officio; the Tribunal, however, before the agreement on the doubt, declared itself competent, because in this case, "it concerns the value of adoption, which is a matter connected with the marital matter, especially due to the impediment of legal consanguinity; and therefore, it rejected the petition of the representative of Mr. George Cassab regarding the limitation of the present controversy to the existence of the impediment of legal consanguinity; and therefore, the Tribunal refused to exclude any civil effect, which, perhaps, according to the laws, would follow from the legal fact of adoption; - having considered these matters, and having considered the newly presented arguments, the Tribunal limits, once again rejecting any exception of incompetence, the object of the present action to the fact of adoption, which begins and derives its status from the spiritual authority of the patriarchal see, saving the right of the parties involved to derive from this fact (as it is asserted to have legally existed) those legal effects which the same parties should seek to obtain in the case of controversy, according to the laws, before a competent judge and through legitimate actions; for these reasons, the Tribunal orders that the doubt be formulated as follows: "Does the fact of adoption exist in this case?" Therefore, the present controversy concerns the fact of adoption, and it is asked about the fact itself, in order to exclude the inquiry into the legal effects, especially civil effects, that may possibly arise from such a fact. In resolving this question, the Reverend Fathers first considered it necessary to affirm, with unanimous agreement, a principle traditionally held by Canonists, namely that adoption has been established by civil laws, and that it retains its force under civil law in each nation; (Schmalzgrueber, De cognat. legali, n. 12 seq.; and Wernz, Ius mat. n. 470) hence it follows that there is no impediment of legal consanguinity if adoption is not recognized by civil law; which is stated in chapter one, De cognat. legali; Benedict XIV, De Syn. dioeces. Lib. IX, cap. 10, n. 5 states: "Indeed, both legal consanguinity and those things that flow from it in relation to marriage received and approved by Nicholas I in his response to the inquiries of the Bulgarians... Therefore, if the question arises in the ecclesiastical tribunal..."

[*Latin ed. p. 442*]

Acta Apostolicae Sedis. - Official Commentary. "Whether, or in this or that case, there exists an impediment to 'legal kinship,' it will be necessary to refer to the civil laws, and to decide the matter according to their

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norms." Indeed, since adoption has been abolished in Holland, Doctors do not consider it to be in force for the citizens of that region, and therefore no impediment to legal kinship arises. Van de Burgt, Tractatus de Mat., page 153. However, for Catholics of the Greek rite in Egypt, the personal status is governed by Roman-Byzantine law, as the cited sentence indicates: "Considering that, in order to decide on the validity of this act, it is necessary to take into consideration and apply the religious laws of Christianity, known as canon law or ecclesiastical canons, because non-Muslim communities are not bound by the rules of Muslim legislation with regard to personal status, except for matters of established jurisprudence or by special texts, such as the division of inheritances. Considering that, therefore, it is necessary to define adoption, its necessary conditions, and its consequences, according to canon law and especially according to the legislation of our Greek Orthodox Church, and to apply the act of adoption. Considering that no one is unaware that adoption, originally, was copied and derives from Roman civil law, where this matter underwent various transformations before and after the reign of Emperor Justinian, until the 10th century, during the time of Emperor Leo the Wise and his successors, when it was introduced into the Christian Church with the civil conditions prescribed for its formation, adding a religious ceremony of prayers for its consecration...." Because George Cassab, the appellant, had presented certain declarations from patriarchal courts of other rites which seemed entirely to exclude the existence and validity of the institution of adoption among Christians subject to the jurisdiction of the Mahometan rulers, the Reverend Fathers, in Tournon, on April 1st of the current year, among other matters, considered it necessary to inquire from the Patriarch of the Greek rite about this matter; and the Patriarch reported the following: "The holy canons subsequently admitted it (adoption). Therefore, we are based on this principle in the judgment rendered by the tribunal presided over by Us in the Patriarchate of Cairo regarding this matter of adoption. Since this ancient law has not been abrogated in our Church, even with the existence of a new civil law after the invasion of the Muslims in the East, a new law which is contrary to the principle of adoption, it remains that adoption is..."

[*Latin ed. p. 443*]

The Roman Congregation [S. Bomana Rota], 443, states that "adoption was permitted according to the ancient law for those who desire it, and that 'the civil effects of adoption are not recognized by the current law of the Empire when the parties are not in dispute.' We also have in our Euchology or Ritual a rite for blessing the adoption." These matters, pertaining to this particular situation, are thoroughly and learnedly explained by Sesostris Sidarouss in his work, "The Patriarchates in the Ottoman Empire and especially in Egypt." Furthermore, Clavel, in "Muslim Law. On Personal Status and Successions, Lect. VI," addresses the matter under Muslim law, even

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with respect to personal status. In the cited judgment, the authority of a certain code is invoked, namely, "A Collection of Personal Status Laws in Force in the Patriarchate," which was compiled by Miltiados Karakovyros; but the Patriarchal Court itself did not admit that all and each of the canons of this collection have force for Greek Catholics. Therefore, there remains no doubt that in the personal law of Greek Catholics, adoption, when performed according to the norms of Roman-Byzantine law, is included, and this law is applicable in this case. This is contained, as in its sources, in the Institutes of Justinian, Book I, Title 11; in the Pandects, Book I, Title 7; in the Code, Book VIII, Title 48; in the Novels 74, chapter 3; and 89, sections 2 and 9. In the Basilicas published under Leo the Philosopher, at the beginning of the 10th century, in Book XXXIII, Title 1, there is a discussion of Adoptions, according to the prescriptions of Justinian's law. Indeed, in the cited judgment, it is asserted that, in order to validly effect an act of adoption (or adoption), seven conditions are required, "without the fulfillment of which it [adoption] is considered null." These conditions are as follows: I. That the adopter be at least eighteen years older than the adoptee. II. That he possess sufficient fortune so that the adoption provides an advantage to the adoptee. III. That he not "enjoy a bad reputation." IV. The consent of two parties, the adopter and the adoptee, if the latter is of age; otherwise, the consent of his guardian or curator. V. That the adopter have no children, nor any hope of having them, as if he were sixty years old, or if he were afflicted with a disease or another impediment that prevents procreation, according to a certificate from a trustworthy physician. VI. That the adoption be consecrated by the prayers of the Church. VII. That the adoption be authorized by a decree from the prince or by the authority." The Lords have considered that the matter at hand does not concern a simple adoption, but a proper adoption, of which Justinian warned, Institutes I, Title 11, § 1: "Adoption is accomplished in two ways: either by a principal decree or by imperial authority."

[*Latin ed. p. 444*]

444 Acta Apostolicae Sedis. - Commentarium Officiale. "A magistrate can adopt, or can admit those who are of their own right, into their family, by the authority of the Emperor; and this species of adoption is called *adrogation*." Indeed, Henry, being born of an unknown father, was to be considered of his own right, and therefore could only be incorporated into the Sakaki family through adrogation. But, according to the older Roman law, adrogation could not be decreed except by a law established by the people in the curial assemblies; for it concerned a change in the status of a person, both in the Roman citizen and in the Roman family, which had to be decided with solemnity and careful deliberation (Serafini, *Institutiones de Jure Romano*, IV, § 180). After these matters began to be handled no longer in the assemblies of the people, but by the Emperor, it was estab-

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lished that in adrogation, the authority of the magistrate was not sufficient, as in simple adoption, but a decree from the Prince was required; and if this had not intervened beforehand, neither the praetor nor the president could do anything, as is stated in leg. 2, Cod. loc. cit.: "An adrogation, *ex indulgentia principali facta*, is valid before the praetor or president, as if it had been made by the people according to the ancient law." Because of the same importance of the matter, which could only be decided in the assemblies, adrogation was not permitted for minors; then, under Antoninus Pius, it was permitted for minors to be adrogated, but it followed that they could not be adrogated except for a known reason, since they could not themselves give full consent, or deliberate properly. Thus, care is taken regarding the consent of the one who is adopted or adrogated, as stated in leg. 2, ff. loc. cit.: "One who is to be adopted by the authority of the Prince, is one who is of his own right, and this species of adoption is called adrogation; because he who adopts is asked, that is, questioned, whether he wishes the one whom he is about to adopt to be a just son to him; and the one who is adopted is asked whether he consents to this." Therefore, when a minor is adrogated, it was necessary that tutors be involved, with a prior decree from the Prince. The object of this inquiry is thus determined in Inst. I, c. § 3: "When a minor is adrogated by a principal decree, a known adrogation is permitted, and the reason for the adrogation is inquired into, to see whether it is honorable and whether it is beneficial to the minor." And in leg. Io, § 2, ff. it is stated: "In adrogations, the inquiry is made as to whether the one who is adrogating is perhaps under sixty years of age, because he should rather strive to have children, unless there is a reason of health or infirmity, or another just reason for adrogation." Another condition of the matter to be investigated is determined in Inst. I, c. § 4: "Adoption imitates nature, and it is monstrous for the son to be older than the father. Therefore, if someone has made a son through adoption or adrogation, he must be older, that is, at least eighteen years old." These principles are confirmed in the Code; and in the Novellae, the law is affirmed that natural sons cannot be adopted; thus, in the words of Novell. 89, cap. 7: "For the constitution introduced by Our Father was wisely introduced and rightly placed..."

[*Latin ed. p. 445*]

The Roman Rota, 445: "We must embrace those things which contain the greatest absurdity and have been prohibited." This text of the law and the institution of adoption clearly defines the object of the preliminary investigation and determines, by a principal ruling, the conditions prescribed in the cited sentence, establishing that all have a certain foundation in law. The Auditors considered whether all these conditions, and each individually, are equally required for the substance of the act of adoption; however, they noted that, in the legitimate investigation for determining adoption, certain matters are left to the prudent judgment of the judge, as indicated

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in the cited law, 15, § ff.: "In adoptions, the investigation concerns whether the one being adopted is perhaps under sixty years of age, unless there is a disease or infirmity in the case, or another just cause for the adoption." The judge of first instance declared the act of adoption invalid and null, because the conditions listed under numbers IV, V, VII were not met, namely: 1.° the consent of the guardian on behalf of the minor to be adopted was lacking; 2.° the inability to procreate was not established on the part of the adopter, either due to age or due to illness; 3.° the rescript of the Prince, or in this case, the Patriarch, who holds the principal authority in matters concerning those adhering to the Greek Catholic rite, was lacking. The Lords, by unanimous vote, considered these three conditions to be necessary for the substance of the act of adoption, so that if even one of them is lacking, the act is null. And concerning the rescript of the Prince, no question can be raised, since it is expressly commanded by the cited laws. Furthermore, the condition that the adopter have no children and no hope of having children is inherent in the very nature of adoption, and, as the cited law states, 2 Cod., is granted by the Prince's indulgence for the benefit of those who are without children. Otherwise, if, before granting adoption, a diligent investigation does not ascertain the age of the adopter, and his capacity to procreate children, the Prince's indulgence in granting adoption would be the greatest injustice, both to the one being adopted and to the children subsequently born, whose status would, respectively, be worsened, and from which family discord would arise. Therefore, it is necessary to demand the consent of the guardian if the person to be adopted is a minor; for adoption changes the status of the person, assigning him to a family whose fortune and fate the adopted person will follow; therefore, it is of the utmost importance that, in the case of an adoption, it be seriously and diligently investigated whether the cause of the adoption "is honest and beneficial to the minor," as the cited law prescribes, and thus the wisdom of the Roman people established this matter as so grave.

[*Latin ed. p. 446*]

448 Acta Apostolicae Sedis. - Official Commentary. It is not to be permitted to proceed with a matter unless a prior deliberation has been held by the people assembled in a meeting, and by a law established by the same people! Then, the Most Reverend Fathers examined whether the act in question satisfied these conditions. And first, they inquired whether any knowledge had been obtained, as prescribed by Roman law. - Indeed, it was noted that the Archimandrite Cyril Rizk testified that Athanasius Nosser, the Patriarchal General Vicar, had full knowledge of the matter "en pleine connaissance de cause." Furthermore, the reasons for which the adoption was requested were so manifest that there could scarcely be any doubt about the utility of the adoption. Indeed, Henry, whose parents were unknown, and who was ignorant of his family and the fortunes of his relatives,

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had been raised from his earliest years by the Sakakini family, and was treated as a son, so that it seems he had already been adopted by paternal love, as nature dictates, before the civil adoption was formally established. - Therefore, it seemed superfluous to inquire whether the authority and consent of a guardian had been obtained. - For in matters that are well known, no proof is required; and he who is certain is more certain, and it is not necessary to seek further proof, according to rule 31 of the law in G. - However, it is true that Henry did not have a legitimate guardian. The Patriarch himself affirmed this, who, when questioned by the Sacred Tribunal as to whether and who Henry had as a guardian, gave no answer to this question, referring to what had already been presented. Indeed, in the appealed sentence, the lack of consent of the guardian is admitted as a substantial defect; but in the act of adoption itself, there is a signature of the godfather, but no mention of the guardian. - It is asked whether a legitimate guardian, one appointed by law, existed, according to the norms of Roman law, by which the form of adoption is established; for although it is not open to doubt that the Count Sakakini exercised guardianship over Henry, and that he assumed the care that Henry had previously received from the Directors of the Asylum, this cannot be considered as a legitimate guardianship. The Most Reverend Fathers, however, considered that the lack of knowledge of the legitimate reason for the adoption and the consent of the guardian, prevented the validity of the contested adoption. Indeed, they noted that a manifest reason for the benefit of the minor could have existed in this case, but that the reason for the adoption had not been sufficiently explored due to the condition of sterility in the wife. For the man had not yet reached the age of sixty years; and Mary Cassab asserts that at the time of the adoption, she was sterile, a fact confirmed today by the Doctor Hesse, who has been treating Mary since the year 1880. But another doctor, Woronoff, who examined Mary's body, denies that he found any signs of sterility in her. But even if they had agreed on the proof of sterility, they would not have proven that the law had been observed, which requires that knowledge be obtained before the decree of adoption, as is proper.

[*Latin ed. p. 447*]

Book IV, Chapter 447. Furthermore, the will and intentions of those adopting must be investigated. The very text of the adoption act demonstrates that this knowledge was necessary, because the actions of Maria, who consents to the adoption and then almost disinherits the adopted son, suggest more than a little: "Lady Mariette (so it is written) reserves the right not to allow the adopted son, surnamed, to inherit the sum of 8000 L. Eg., representing THE CURRENT BALANCE OF SUMS RECEIVED FROM THE ESTATE OF HER LATE FATHER." If, indeed, this necessary knowledge, the consent of those adopting, especially Maria, and the same meaning with legitimate reasons, had been recorded in writing, and if

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this had been done, there would be no room for doubt regarding the validity of the consent, but, what is more, it would not be permissible for Georgio Cassab to object to and accuse all those things that are now being brought up, both concerning this act and concerning the intentions and purposes of Count Sakakini in the present action. And these are the things that utterly disrupt and undermine families and fill states with scandals and falsehoods. These observations were deemed to be true by the Fathers, except that it was found to have been gravely lacking that the consent of the guardian was not obtained, who, therefore, should have been appointed beforehand according to Roman law, and then his consent sought. This person should have thoroughly investigated the matter, inquired as much as possible into the origin of the ward, according to the spirit of Roman law, as well as into the intentions and will of those adopting, and ensured that all of these things were observed according to Roman law prescribed for a valid adoption. Furthermore, it is far from the truth that the work of the guardian could not have been useful to the ward, so that the current controversies, which have arisen long ago and have been agitated so many times, and perhaps are not yet finished, could have easily been avoided by a guardian who seriously cared for the goods and, above all, the future well-being of the ward. Indeed, when conducting business, not only must one consider the benefits that undoubtedly flow from them in the present, but it is also necessary to carefully consider those that will be achieved in the future or may be achieved. This is the duty of a prudent guardian; and it is in no way permissible for the same person to accumulate the duties of both adopter and guardian, which would happen if Count Sakakini himself were to fulfill the roles of both adopter and guardian of the ward, Henrici. Therefore, even if it were true that Athanasium Nasser, the Bishop, General Vicar of the Patriarchate, had delegated to Kyrillo the Archimandrite the task of performing the sacred rite of confirmation "with full knowledge of the matter," nevertheless, since the knowledge was not completed according to the prescribed law, it must be concluded that this knowledge was truly not present, the Lords Auditors observed. But the greatest defect that completely corrupts the act is found in the fact that...

[*Latin ed. p. 448*]

448 Acta Apostolicae Sedis. - Official Commentary. The rescript of the Prince was lacking; the Reverend Fathers considered that the matter had been resolved by addressing two questions: first, whether a rescript or an equivalent act had intervened; second, whether the act had originated from the authority of the Prince. It was debated whether the rescript could be said to be contained, in an equivalent manner, within the very act of adoption of June 2, 1900, because, after a brief examination, before witnesses and the adoptive father, Henry, regarding his status, the reasons for the adop-

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tion, and the consent or will of the adopters, and after the administration of the Sacrament of Holy Confirmation, the Vicar, Kyrillus, declared: "In faith of which, we have declared and do declare that the child Jouhanna Henri Sakakini is, according to the law of the Church, the legitimate son of P. E. Habib Sakakini Pacha and his wife, the Lady Mariette. That this child has the rights belonging to legitimate children and owes what legitimate children owe." Nowhere in the law is a specific form prescribed by which the principal rescript is conceived; therefore, if this act does not equate to the required rescript, it was the opinion of the Fathers that this depended on the very substance of the act, and not on its form. Indeed, due to the laws mentioned, the substance should have included knowledge of legitimate conditions relating to both the adoptee and the adopter, so that the adoption or adrogation in this case could not be decreed or granted unless the prescribed laws were observed. Therefore, upon examining the matter itself, the observance of the legitimate prior process is an integral part of the substance of the act of adrogation; for this reason, due to the aforementioned substantial defects, it cannot be said that a principal rescript intervened in this matter. However, the Fathers considered the second question to be more expeditious, and it also led to the same conclusion, namely, that the act of adrogation was carried out by one who did not possess the principal authority. Indeed, when asked by the Most Reverend Patriarch whether the Vicar Kyrillus had been empowered by any authority while carrying out the disputed act, he replied with the aforementioned letter of April 30th of the current year: "The jurisdiction enjoyed by the Archimandrite Cyrille Rizk, patriarchal vicar in Babylon, is generally ecclesiastical and quasi-episcopal. Considered from a civil point of view, the jurisdiction of the Archimandrite Cyrille Rizk is entirely episcopal, because sentences, judicial certificates regarding matters of personal status, such as the appointment of a guardian, certificates of majority, etc., emanate from him. For the government and the civil tribunals accept all such acts. In this case, the jurisdiction of the Archimandrite Cyrille Rizk at the time he carried out the act of the adoption contract of Henry Sakakini was an ORDINARY jurisdiction, except for the Confirmation, etc." Therefore, the Fathers noted that the Vicar, Kyrillus, possessed at that time the authority and jurisdiction that the Romans...

[*Latin ed. p. 449*]

In Holy Rome, 449, the provincial governor and the praetor exercised at least a voluntary jurisdiction. But they could not validate an act of adoption nor demand its execution, unless preceded by the Emperor's indulgence or rescript; as is stated in the cited law, 2, of the Corpus Iuris Civilis: "An adoption made by the indulgence of the Emperor is valid before the praetor or governor, just as if it had been made by the people according to ancient law." The undersigned Auditors were not tainted, but the Patriarch could

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have exercised his principal authority by a special delegation to his Vicar, in order to complete the act of adoption; but the Patriarch himself testified that he had not done so, asserting in the appealed sentence that the Principal Rescript required by law was lacking, and he testified again in the cited letters, stating that the Vicar had proceeded with the contested act of adoption with his ordinary authority. Furthermore, the Vicar implicitly admitted that he had not used the special or principal authority necessary for the act of adoption, when, before completing the adoption, he declared to Corniti Sakakini that those effects which Roman law necessarily attaches to adoption concerning hereditary succession should not be expected from him. For this reason, the Vicar did not seem concerned with observing the formalities required for the act of adoption, the more important effects of which concerned hereditary succession. Indeed, the Patriarch stated in the cited letters: "But the dominant Muslim law does not recognize (adoption) and considers its civil effects as null, because in Muslim law there is no adoption. We have learned from our patriarchal Vicar, Archimandrite Cyrille Rizk, that before the contract, he had warned the Count [Sakakini] of these facts. The Count consented to it and even insisted on carrying out the mentioned adoption, whether the Islamic tribunals recognize it or not, for particular reasons that he had in this matter." Therefore, the Promoter of Justice H. S. of the Tribunal rightly concludes in his observations: "The Vicar thought that an adoption was being carried out, but he did not understand that the matter concerned an ABROGATION, to which the authority of a magistrate is not sufficient, but a prince's rescript is required." Having considered all of the above, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decide, declare, and definitively sentence, answering the proposed question: "Negatively, or it does not appear that a legitimate adoption was carried out," and therefore We ratify and confirm the appealed sentence. We decide that the judicial expenses of the present instance are to be borne equally by the parties, and We order that they be considered as borne. We order the Most Excellent Patriarch to proceed with the execution.

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis. - Official Commentary. Of this our definitive judgment, as the circumstances may require, to order, command, or prohibit, either by virtue of our office or at the request of those concerned, whatever may be necessary or appropriate for the legitimate execution of this our judgment, in accordance with the sacred canons. Rome, June 10, 1911. M. Lega, Dean, Presiding. Anthony Perathoner. Joseph Alberti. U. R. & S. Rev. Tancredes Tani, Notary. IV. JA CIEN. REGULATION CONCERNING THE LEADING OF A PROCESSION. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on June 1, 1911, the Most Reverend Fathers Michael Lega, Dean, Anthony Perathoner, Presiding, and

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Joseph Alberti, Auditors, in the case of "Acireale - Regulation concerning the leading of the theophoric procession" between the Fathers of the Dominican Order from the monastery of Acireale, the actors, represented by their legitimate procurator, the Reverend Lawyer Aloysius Lavitrano, and the Chapter of Acireale, represented by their legitimate procurator, the Reverend Lawyer Vincent Sacconi, delivered the following judgment. In the city of Acireale, in Sicily, a convent of the Fathers of the Dominican Order had existed since the year 1661, which, however, was suppressed in the year 1866 by unjust laws. In the year 1883, a Dominican convent was re-established near the church of St. Roch, and declared to be the principal convent of the Sicilian province. Neither the Fathers of the ancient monastery, nor the Fathers of the new convent, ever made use of the privilege of leading the theophoric procession on Sundays within the Octave of Corpus Christi. Finally, in the year 1908, on May 26, the Fathers of the Dominican Order of Acireale notified the Ordinary of Acireale that they would celebrate the theophoric procession on Sundays within the Octave of Corpus Christi, using their pontifical privileges, in that year and in subsequent years. However, since the Chapter of the Cathedral Church, to which also the care of souls belongs, had hitherto led this procession, the Bishop wrote to the Dominicans: "Let the custom be observed, and therefore let this Convent of St. Roch refrain from holding the procession, of which the decision of the RR. PP. of said Convent of May 4, 1908, and the letter from the P. V. addressed to us dated June 5 of that year, speak." The Dominicans of Acireale.

[*Latin ed. p. 451*]

In the year 1837, in order to defend their rights, the Fathers of the Congregation of Religious visited the Holy Congregation. In the meantime, a constitution was issued, known as "Sapienti," and the matter was brought before the Holy Roman See; however, it remained unresolved for a long time, as there was hope that the matter could be settled peacefully. However, when all such attempts proved fruitless, the cause is now presented to the Most Holy Office under the following formula: "Whether it is established by law that the Dominican Fathers have the right to lead a procession with the Blessed Sacrament on Sundays within the Octave of Corpus Christi in the city of Laden, exclusively or at least in conjunction with the Chapter of the Cathedral, in such a case."

The Fathers, Very Reverend Doctors of Tournon, observed that, according to common law, it belongs to the Bishop to announce and regulate public processions; however, Regular Canons, even without the invitation of the parish priest, can hold public processions by virtue of a privilege or simply by the permission of the Bishop. Furthermore, Regular Canons who can invoke the privilege of the Popes can hold processions without any requirement of permission from the local Ordinary. For otherwise, the

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term "privilege" could not truly be used, since any religious community, as has been said, can hold a procession with the permission of the Bishop, unless some special right prevents it.

This principle being generally established, it is abundantly clear from repeated decrees and constitutions of the Supreme Pontiffs that the Order of Saint Dominic has the privilege of leading a procession with the Blessed Sacrament on Sundays within the Octave of Corpus Christi. This privilege was first granted by Pope Pius V by a constitution dated June 20, 1570. This constitution, the text of which seems to be lost, is extensively mentioned in the Brief "Dudum felicis recordationis" of March 8, 1592, in which Pope Clement VIII not only confirmed the privilege granted to the Dominicans by Pius V, but also expanded and extended it "to all houses of the aforementioned Order, in whatever cities, lands, villages, places, and camps, after the date of these letters and in the future, so that the Priors and Brothers of the houses of the aforementioned Order, after the date of the aforementioned letters, and in whatever parts of the world, may celebrate such a procession of the Most Holy Sacrament through streets, squares, and places chosen by them and to be chosen only once, on the first Sunday within the Octave of the feast of the Most Holy Body of Christ, each year, solely without any impediment whatsoever, and without any authority being invoked or imposed upon them."

The same privilege was again confirmed by Pope Clement XI by a Brief dated December 16, 1704. Furthermore, Pope Benedict XIII, by the constitution "Pretiosus," dated May 26, 1727, commanded the Dominican Fathers, among other things, "to establish the aforementioned procession without any delay," and also instructed the local Ordinaries "to remove any impediment."

[*Latin ed. p. 452*]

452 Acta Apostolicae Sedis. - Official Commentary. "that they may effectively remove impediments and obstacles." If it is objected that the aforementioned constitution of Benedict XIII, *Pretiosus*, was abolished by Clement XII's constitution *Romanus Pontifex* on March 30, 1732, it must be noted that Clement XII, in a subsequent Brief *Cum sicut*, dated April 10, 1733, authentically declared his mind and most broadly confirmed, approved, and renewed the privilege previously granted to the Dominicans. Therefore, from the documents presented, there is no doubt that the Dominicans possess the privilege of performing the solemn procession on Sunday within the Octave of Corpus Christi, at the hour they wish, and by means chosen only once, and that without any permission from the Ordinaries or parish priests, as declared by Gregory XIII in the constitution *Quum interdum* on March 15, 1573. It cannot be objected that this Dominican privilege is restricted to places where the procession had already been customary. For if the privilege were

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to imply a custom already established, those words frequently found in pontifical constitutions – "in any place," "in any part of the world," "in newly constructed buildings" – would be entirely devoid of meaning. Furthermore, it is clear to all that such a custom could not have flourished in places where there were no Dominican houses. Therefore, since there is no doubt about the Dominican privilege, the question is reduced to this: whether the PP. [Padres Provinciales] of the Dominican convent of St. Roch in the city of Acireale can freely exercise this privilege. The RR. PP. [Reverendi Patres Provinciales] of Tournon judged that this must be affirmed. In the first place, whatever may be the case regarding that ancient monastery of St. Dominic, which was dissolved in 1866, the convent of St. Roch must be considered among the new Dominican houses, and therefore the privilege of the theophoric procession must also extend to it. It is true that the Dominicans of both the old and the new monastery did not use this privilege, and, as some witnesses testify, they were accustomed to participate in the theophoric procession performed by the Chapter. But from this, it does not follow, as the opposing party argues, that the privilege was prescribed by contrary usage, or at least that it was implicitly renounced by the aforementioned Fathers of Acireale. Such a prescription would only be admissible if we were dealing with an odious privilege. An odious privilege is said to be one that yields to the prejudice of common law or of a third party (Schmalzgrueber, I, V, de prim., 27). And D'Annibale, I, 228, teaches "that only those privileges which harm the right of a third party receive a strict interpretation." (Cf. also Reiffenstuel,).

[*Latin ed. p. 453*]

St. Bonaventure, *Doctor Seraphicus*, IV Dist., c. 453. Therefore, those privileges are called odious which, while favoring one party, impose a burden or inconvenience upon another, or which are contrary to common law or customs. Indeed, it is clear from the very wording of the privilege granted to the Dominicans that it does not infringe upon the right of a third party, or of the Chapter, or of the secular clergy in general, for, as we shall demonstrate more fully later, it only prohibits other religious orders from daring to celebrate similar processions at the same time or hour. Furthermore, the parish priest – in our case, the Bishop, who is represented by the Chapter – does not have an exclusive right to celebrate a procession with the Blessed Sacrament on Sundays within the Octave of Corpus Christi, for such a right is nowhere listed among the parochial rights. Moreover, the privilege granted to the Dominicans, in that it does not infringe upon the right of a third party, also contains no prejudice to common law. For it is a remunerative privilege granted at their own initiative. For Benedict XIII, recalling the intention of his predecessors in granting privileges, says that this privilege was granted to the Order of Preachers because their "most illustrious son," St. Thomas, "through incomparable and almost di-

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vine praises and hymns during this sacred time, increased and perpetuated the glory of the Most Holy Sacrament in the Catholic Church, and therefore deserved so much praise for the increased and amplified veneration of the Body of Christ," etc. (From the Constitution *Pretiosus*). Therefore, the privilege of the Dominicans to lead a procession with the Blessed Sacrament on Sundays within the Octave of Corpus Christi is a remunerative privilege, granted because of the increased and amplified divine worship. In privileges granted in favor of divine worship, a broad interpretation must be made, as prescribed in chapter 30, on privileges (Decree I. J., vol. XXXIII): "In those matters which are to be considered in relation to divine worship, a benign interpretation is to be made." And Reiffenstuel (I. J., vol. III, on rescripts, no. 138) teaches: "In privileges granted in favor of divine worship, a broad interpretation is made." Also, Aichner (Compendium of Ecclesiastical Law, ed. 11, p. 762) states: "Broad interpretations are given to privileges that are favorable and granted by initiative or in favor of religion, the public good, or in remuneration for merits." Therefore, it can be concluded that the disputed privilege has the nature of a favorable, gracious, and remunerative privilege. Such a privilege, according to common doctrine, is not lost even through the longest period of non-use. "By non-use," says D'Annibale, *loc. cit.*, no. 229, "or by contrary use, only those privileges are lost which infringe upon the right of a third party, after that third party has prescribed against them." And indeed, the matter of prescription, whether acquisitive or extinctive, pertains to the thing in question, namely the privilege, so that the one who prescribes against the privilege either acquires or loses a right in it.

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis. - Official Commentary. A detriment to a privilege granted, or a liberty from an obligation contained within that very privilege, can be conferred upon another. This can occur when a privilege, for example, harms a third party or imposes a burden upon them. In a gracious and entirely favorable privilege, such as in our case, which does not take anything away from or harm the secular clergy, since secular priests or canons retain the full right to celebrate solemn processions on the feast of and throughout the entire octave of Corpus Christi, there is absolutely nothing that can be prescribed. Indeed, mutual cooperation between the secular and regular clergy in increasing devotion to the Most Holy Body of Christ is itself commanded by common law. On the other hand, it has been considered by the Fathers at Tournon that a prescription can be established, all other things being equal, on the part of a certain religious order. For with regard to other religious orders, the privilege granted to the Dominicans is, to a certain extent, truly objectionable, inasmuch as it limits and circumscribes the rights of others. Therefore, if in a certain place the Dominicans do not exercise their right, while others, namely,

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regular canons, do exercise it, then, after the lapse of a certain time, these latter acquire by prescription the faculty of leading the solemn procession, which had been reserved to the Dominicans by privilege. The Fathers at Tournon wished to observe this, believing that the privilege of the Order of Preachers cannot be said to be absolutely facultative, at least with regard to other religious orders, so that the rule "in facultatives, prescription is not granted" applies. Therefore, since the disputed privilege, by its very nature and especially by the intention of the grantor, does not impose a burden upon the Bishop and the pastors of the place, and is therefore not objectionable to the secular clergy, the rule traditionally given by Reiffenstuel, loc. cit., n. 210, should be applied, which states: "Such privileges are not lost by prescription, because no one can prescribe against such privileges that are not burdensome. Nor are they lost by tacit renunciation, because everyone has the free faculty of using or not using a privilege; therefore, since in similar cases, use or disuse is an act of free faculty, which does not lead to prescription or renunciation, it does not appear that other privileges are lost by it (non-use)." (Cf. also Pirhing, I. V, vol. XXXIII, no. 176, and Pichler, Ius can., I. V, vol. XXXIII, § III, no. 32). It is not proper to speak of tacit renunciation concerning those privileges in which prescription cannot apply, provided that use and disuse in these cases mean nothing other than the exercise of free faculty, which, since it neither takes away a right from another nor imposes a burden, cannot carry with it the effect of prescription or tacit renunciation for the restoration of a right to a third party or for the removal of a burden.

[*Latin ed. p. 455*]

Saint Romanus of Bofa. 455. Therefore, since the Dominicans of Acireale have not lost their privilege, either due to non-use or due to a presumptuous renunciation, it is entirely superfluous to inquire into the reasons why they have not made use of the privilege. However, one reason, and indeed a historical one, may be offered, as Father Canella candidly explains: "The ancient brethren of the Convent of Saint Dominic did not perform 'the procession because they were all fellow citizens and did not want to offend the priests, with whom they were almost all relatives.'" Therefore, the act of not holding the procession appears to stem from the will of the Dominicans themselves. From what has been said, it is clear that the right belongs to the Dominicans of Acireale to lead the theophoric procession on Sundays within the Octave of Corpus Christi, and this even without prior permission from the Ordinary. However, this right has not been exclusively granted to the Dominicans, that is to say, so that another, whether Bishop or parish priest, cannot perform the procession on the same day. For the decrees of the Roman Pontiffs, which grant this privilege to the Order of Preachers, say nothing about such an exclusive right. Although it is read in various pontifical constitutions that only the Dominicans can perform

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this procession, "without any impediment, exercising their authority with no interference from any authority whatsoever," this adjective does not exclude all others, but only other Regular Canons, as is evident from the clauses of the aforementioned constitutions: "prohibiting all brethren and priests of other religions from daring to celebrate similar processions or feasts at that time and hour, or to participate in them with the aforementioned brethren of the Order of Preachers." Furthermore, the fact that the privilege was granted to the Dominicans without prejudice to the rights of others is also suggested by historical reasons. For the Supreme Pontiffs were moved to grant the privilege because other Regular Canons were preventing the Dominicans from holding their customary procession, hence it was perpetually prohibited for all brethren and priests of other religions to perform similar processions at that time and hour. Finally, the Holy Congregation of Rites, in the Matheran case (Coll. Auth. n. 590), defined: "The archpriest of the parish church of Saint John the Baptist in the city of Matheran, having been disturbed in his customary procession of the Most Holy Sacrament on Sundays within the Octave of Corpus Christi by Dominican brethren claiming the privilege, petitioned that these brethren be restrained." The Sacred Congregation responded to the report of the Most Reverend Cardinal Virili: "The Brief of Clement VIII does not affect secular parish priests; and the aforementioned archpriest cannot and must not be prevented from holding his customary procession on Sundays within the Octave of Corpus Christi, and thus it is ordered in all respects." Therefore, the right of the Order of Preachers is exclusive only with regard to other Regular Canons.

[*Latin ed. p. 456*]

Acts of the Apostolic See. - Official Commentary. 456, and therefore, the Chapter of Jaca possesses the full right to lead the solemn procession, even on the Sunday within the Octave of Corpus Christi, together with the Dominican Fathers, who also enjoy the right to celebrate the theophoric procession on the same day through the streets and squares of the city chosen by them, and chosen only once. Having considered all these matters in law and in fact, invoking the name of Christ, and with only God before our eyes, we, the undersigned Auditors sitting for the tribunal, decree, declare, and pronounce judgment, answering the proposed question as follows: Negatively to the first part; Affirmatively to the second part, that is to say, that it is established by law that the Dominican Fathers may lead the theophoric procession on the Sunday within the Octave of Corpus Christi in the city of Jaca, in conjunction with the Chapter of the Cathedral, and furthermore, that the judicial expenses are to be borne equally by the parties. The costs of the expedition of this judgment are to be paid by each party in equal measure. Thus we pronounce, ordering the Ordinaries and Ministers of the tribunals to whom this pertains, to order the execution of

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this our judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3 of Session 25 of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, on the 14th of June, 1911. Michael Lega, Dean. Anthony Perathoner, Assessor. Joseph Alberti. L. Eg S. Sac. Tancredes Tani, Notary. V. BONONIEN. OF PAROCHIAL JURISDICTION. Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 21st of July, 1911, the Most Reverend Fathers, Doctors Michael Lega, Dean, Anthony Perathoner, Assessor, William Sebastiani, Joseph Alberti, Auditors from Tournon, in the case of "Bononien. - Of Parochial Jurisdiction," brought by the parish priest of S. Mariae a Misericordia, the plaintiff or appellant, represented by Vincent Sacconi, Advocate, and the urban parish priests of SS. Iosephi and Ignatii, of S. Proculi, and of SSmae Trinitatis, the defendants or appellees.

[*Latin ed. p. 457*]

In Boulogne-sur-Mer, on the 4th of May, 157, the representatives, through the Reverend Aloysius Lavitrano, Advocate, delivered the following definitive judgment. In the city of Boulogne-sur-Mer, after the walls had been demolished, the land which had been occupied by the walls and the orchard was destined for the construction of small houses, called "villas," which are surrounded by a small garden. Some of these, through the garden, have an entrance leading to the road that runs around the site of the old walls, called "Via di circonvallazione." Consequently, the line that had divided the city from the suburban area, and the urban parishes from the suburban parishes, was erased, as decreed by the edict of the Most Reverend Archbishop Opizzoni of Boulogne-sur-Mer in 1816. After the construction of these pleasant villas, and the removal of the old line marked by the walls, the boundaries of the parishes became confused, and it was questioned to which parish, urban or suburban, the aforementioned villas belonged, which are located in the area previously occupied by the walls, the rampart, and the ditch. To resolve these doubts, the court issued a decree on April 1, 1908, in which the following rule was stated: "The entrance determines the jurisdiction, that is to say: I. 'All newly constructed houses which are located on the area previously occupied by the embankments and walls, and in the margin of the ditches, shall belong to the urban parishes, if they have an entrance facing the internal roads of the circumvallation; instead, they shall belong to the suburban parishes if the main entrance is towards the outside of the city.' II. 'If the entrance is on the side, on the side streets, the house will be judged case by case by the Ordinary.' III. 'As for the houses that were already built before the demolition of the walls, and the question arises now not because of the new construction, but because of the change in the entrance, the matter will be presented to the ecclesiastical superior

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in each individual case.'" However, this rule, accepted by common law and jurisprudence, did not fully resolve the doubts that arose, because the question concerned some houses or villas located on the border between two parishes, namely the urban and suburban parishes; therefore, another decree was issued on February 21, 1910, in which it was declared: "that the two new houses built on the Gozzadini avenue, marked with the numbers 21 and 29, since they are entirely located above and within the territory of the jurisdiction of this parish of the Most Holy Joseph and Ignatius, to which also belongs the house located on the Enrico Panzacchi avenue, marked with the number 7." However, the pastor of the parish of Saint Mary of Mercy did not agree with this decree, claiming that these villas belonged to his parochial jurisdiction, because there is access to them through a garden, and the garden is...

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis. - An official commentary concerning a gate, the seventh of its kind, which opens onto the territory of its parish, or outside the walls now demolished, in the suburban area. Therefore, the matter was again carefully examined, concerning the aforementioned parish priest and the parish priest of the Saints Joseph and Ignatius, and on May 21, 1910, a decree was issued stating: "The three houses situated one on Via Castiglione and marked with the number 96 (formerly number 21, Viale Gozzadini), the second on Viale Gozzadini number 21 (formerly 19), and the third on Viale Enrico Panzacchi number 7, are built within the parish of the Saints Joseph and Ignatius, and we declare that they are, and we want them to be immediately subject to the jurisdiction of the parish priest for the time being of the aforementioned Church of the Saints Joseph and Ignatius; so that said parish priest has the right to exercise in said houses all the parochial offices that are proper to his jurisdiction." Against this decree, which is of its own nature and by reason of its judicial form, the parish priest of Saint Mary of Mercy lodged an appeal; and the instance was transmitted to the Most Holy Tribunal. Since, while arguing, there was doubt as to whether the Archdiocesan decree, in question, was truly judicial, and therefore whether the matter could be properly known before the Most Holy Tribunal, in order to remove all doubt, in a hearing on July 18, 1911, the Reverend Dean, with due consideration, deemed it necessary to entrust the task of having the aforementioned instance or cause examined and decided by the Most Holy Tribunal, according to the agreed-upon formula of doubt. The question is presented under the following formula of inquiry, legitimately agreed upon: "Do the houses of which mention is made in the Archdiocesan decree of May 21, 1910, and other buildings built or to be built in the same locations, streets, and access points, belong to the parish of Mercy, or to the respective urban parishes in this case?" The Reverend Fathers and Doctors of Tournon, in order to further clarify the

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question with regard to the facts, considered: 1.° That the formula of doubt raises the question even of urban parishes in general, because although the current question arose between the parish priest of Saint Mary of Mercy, who is appealing, and the parish priest of the Saints Joseph and Ignatius, who is being appealed to, and it is defined in these terms in the Archdiocesan court, the appellant's advocate also called upon other parish priests, namely those of the Most Holy Trinity and of Saint Proculus, so that they would not be excluded from the effects of the judgment, and thus that other questions, which might arise in the future, would be settled in the same judgment. Indeed, as far as the current question concerns houses that are also to be built, it is required that they be located in the same locations, streets, and access points as the houses that have already been built and are in dispute in this case. 2.° Furthermore, the appellant also speaks of certain houses in the tab-

[*Latin ed. p. 459*]

St. Boman Bota. 459 topographic sheets, based on the data presented, indicate locations numbered 15, 19, and 21, where the front of the buildings extends beyond the city walls. However, this assertion appears to be contradicted by a document presented by the parish priests, in which municipal authorities testified: "That all buildings intended for residential use that will be constructed on the land along Gozzadini Avenue must be located at a setback of 6.50 meters from the line established by the zoning plan, and since this setback line falls within the old city walls, it follows that all of the aforementioned constructions will be located within the perimeter of the ancient walled enclosure. Under these conditions are located the residential buildings numbered 5, 15, 19, and 21 on Gozzadini Avenue, the residential building under construction belonging to Toschi, to the east of the building at number 15, and the house at number 96 on Via Castiglione."

3. Furthermore, there is a dispute regarding the boundaries within which the urban territory is contained, as defined by the decrees of Cardinal Opizzoni. In this decree, dated 1816, new urban parishes were established, and boundaries were assigned from one side – the walls and the interior area – thus stating regarding the newly established parish of St. Joseph: "The districts that fall under this parish are the following: Via Castiglione, the walls and the inner embankment from Porta Castiglione, up to the middle of the Aposa aqueduct." But while the walls extend as far as the inner embankment, the *fossae* (ditches), which were located outside, were arranged as part of the city's defenses, or to further increase the defensive strength of the walls, as required by military science. In our case, the walls having been demolished, the *fossae* and embankments were leveled, and today roads run on this land, or houses and small buildings are constructed. The question arises as to whether this land, where the *fossae* were located, should be considered part of the urban

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parishes or rather the suburban parishes? The procurator of the city's parishes, after examining the matter, concluded that the land consisting of the *fossae* and the earth filled in above them, belongs to the urban parishes, but he affirms this without certainty, and therefore explicitly states, "this territory is at least doubtful." It was determined that, without a doubt, the *fossae* were not included in the urban territory, to which the decrees of Archbishop Opizzoni assign the boundaries as "the walls and the interior area." The walls, indeed, marked the line that divided the city from the suburban area, which began immediately outside the city gates. Moreover, although the *fossae* and embankments should have been devoid of any habitation, if, by chance, a traveler were to require assistance while lying in the *fossae*, the parish priest should be called from the suburb. Since the walls enclosed the city, and it was not always permitted for citizens or urban parishioners to leave through the gates;

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis. - Commentarium Officiale. Ad hanc causam, Opizzonius iussit ut parochias urbanas a suburbanis distinguantur per muros. Sed haec quaestio non pertinet directe ad actionem hodiernam, quae comprehendit domos seu villulas constructas, de quibus in decreto archiepiscopali, vel constructas ex integro cum suis parietibus super solo urbano, circumdadas hortis quae aditum habent ad vias noviter pavimentatas; et ad rem hanc testatus est officialis aedilis: « si nota est quod dicta aedificia habent accessum ab via externa mediante portam vel vallum quod cingit terram annexam ad aedificia, quae manet extra antiquam circumvallationem ». Haec conditio rerum videtur esse originem et causam hodiernae litis; unde quaestio iuris hodie solvenda est, si aditus qui dat normam iurisdictionis sit aditus domus seu villulae, an potius aditus horti aut hortuli domum seu villulam circumdantis. Ad rem, notum est ut regula iuris certa sit, parochiarum fines certi, determinati, perpetui et immutabiles esse debent, ut considerat Pirhing, tit. De parochis, § 2; et clare deducitur ex Concilio Tridentino, sess. 2á, cap. 13, de ref. — Dicuntur autem fines perpetui et immutabiles, quia mutari non possunt pro arbitrio a privatis civibus aut a civili auctoritate, sed solum a competente auctoritate ecclesiastica et certis rationibus, quare Episcopus haec mutare non potest nisi concurrant casus a iure permissi, ut communiter docent canonistae, quos recolit Bouix, De parocho, part. 2, cap. 4, prop. 1. — Neque praescriptione mutari possunt fines parochiarum, ut aperte decernit caput super 4, De parochiis, ita conceptum: « Super eo vero quod apud vos intelleximus dubitatum, an quod de finibus et his quae finibus cohaerent non praescribendis per SS. Canones statutum (v. Quicumque, 4 et 3 seq. can. 16, § 3, in Decreto Gratiani) sit in limitibus parochiarum, sicut in provincialibus, admittendum? Respondemus quod bene videtur in utroque servandum, si fines legitima probatione vel alia indubitata fide

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constituti Ecclesiastica ordinatione constitutos ». Et hoc Patres voluerunt animadverti, quia, ut explicat Pirhing, I. cit., si mutari facile possent fines, et hoc civibus liceret, frequens daretur occasio incertitudinis et confusionis tam in iurisdictione quam in aliis ad publicam utilitatem spectantibus. Nihilo secius, contingere potest ut domus aut villula sit aedificata super solo posito in confine duarum parochiarum, et tunc, ne fines parochiarum censeantur immutari, aut ne duo parochi sibi vindicent iurisdictionem, invaluit regula, aditus domus principalis seu magis frequentatus dat normam iurisdictionis, seu domus illi parocho adiudicatur qui in suo territorio habet eiusdem domus aditum principalem. Hanc regulam.

[*Latin ed. p. 461*]

St. Bonaventure, Dist. 461, affirms the constant and common authority of the Doctors, to which constant jurisprudence adheres. Aloysius Ricci, in *Praxis Forensis*, Res. 510, in the 2nd edition, and decis. 333 in the 1st edition, and in the cited resolution, n. 1, teaches: "He who dwells in the boundary between two parishes is a parishioner of that parish to which his house has access, because the house is judged according to the access." Furthermore, Barbosa, *De Officiis Potestatis Episcopi*, Part II, Alleg. 42, n. 71, states: "It is understood that a person dwelling in the boundary between two parochial churches is considered a parishioner of that church to which his house has access, according to the notable teaching of Bartoli, book 6, n. 6, at the end of the pages concerning legacies (3), Bald. Consilium 60, n. 5 or I; and according to Bartoli, in the laws concerning property, § 5, pages concerning legacies (3), a house which has two doors in different parishes is judged to belong to the parish in which the main door and the more frequented entrance are located." The same doctrine is taught by Reiftenst, *De Parochiis*, n. 20; and Pignatelli, *Consultationes Canonicae*, vol. 8, cons. 5, n. 7; and Ferraris, *Bibliotheca Canonica*, under the word "parochia," n. 37; and Cardinal Gennari, *Consultationes*, vol. II, page 242. This rule has been recognized and affirmed by jurisprudence, as recalled by Giraldi in the additions to the Canon Institutes; Maschat in *Summa Decretorum*, book III, title concerning burials, chapter "Cum quis"; and Ursaja, *Disputationes Ecclesiasticae*, vol. 3, part 2, disputation 11, n. 102. It suffices to mention the resolution of the Sacred Congregation of Bishops and Regulars concerning the Association for Funerals and Benefits in Velletri, in which, on May 6, 1870, it responded: "Therefore, regarding the fourth part of the funeral expenses, it is to be divided between the parish priest of the city and another parish priest from the city of Velletri, within whose boundaries the main entrance of the house is located." These most certain legal principles, admitted in both courts and schools, must be applied to the disputed case. If we were dealing with a house located on the boundary between two parishes, already built and included within the jurisdiction of a certain parish priest through peaceful possession, and the

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question were about a new main entrance, opened at the discretion and will of the owner within the territory of another parish priest, so that the latter begins to claim jurisdiction over the same house, because the main entrance determines the jurisdiction; then the resolution already given by the Sacred Congregation of the Council, in the matter of the parochial jurisdiction of Bologna, would be applicable, in which, on December 12, 1874, it was decided that the house belongs to the parish priest to whom it previously belonged, notwithstanding that the old entrance was closed and a new one opened within the territory of another parish priest; and this is justly so, because it is not permissible, by private authority, to change the boundaries of parishes. The same was decided on July 26, 1873. But in this case, the matter concerns a newly built house to which no parish priest claims the right of possession; therefore, the rule fully applies: the entrance determines the jurisdiction. Adhering to this rule, the appellant appeals against...

[*Latin ed. p. 462*]

462 Acta Apostolicae Sedis. — Official Commentary. We believe that the archiepiscopal decree expresses its intention through the simple statement of the rule, because, in fact, the disputed cottage, through its garden, has access to the road which it claims to be within its territory, and this access is entirely outside of any area of dispute. And this fact, the Fathers observed, must be admitted. It is, indeed, necessary to distinguish between two types of access: namely, the access to the house and the access to the garden, and, in the matter of law, it must be determined which of these should be considered for the purpose of determining the parochial jurisdiction. And since, according to rule 4, section 2, number 6: "An accessory ought to follow the nature of the principal," and since, with regard to parochial jurisdiction, the access to the house appears to be the principal and the access to the garden the accessory, it seems to us that, in our case, the access to the house should be considered. This assertion is strongly opposed by the appellant, who points out that gardens or orchards surrounding a cottage cannot be said to be accessory; rather, they appear to be an integral part of the cottage itself, or even the principal part; since they constitute one and the same thing with the house in the cottage, so that the concept of the cottage would cease to exist if the gardens or orchards were separated from the houses; therefore, these small gardens in cottages should be equated with the courtyards and vestibules of houses. And this, indeed, was the most important reason presented to the Lords, and which caused a divided and hesitant spirit as they deliberated whether to accept or reject the appellant's intention; nevertheless, after considering everything, the Lords decided not to depart from the rule which holds that, in this matter and in similar cases, the house should be considered the principal, and therefore, the access to the house, even in cottages, should be considered for the purpose of determining the competent parish. The Lords were moved to this decision by the following

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reasons: 1.° When it is a question of applying certain rules of law to new situations, one must, as far as possible, avoid departing from those rules, so that they are not completely overturned, and so that the canonical institutions, rather than appearing to be evolved and explained by jurisprudence for new cases, seem to be overturned and completely changed; as is stated in decision 273, number 21, Part 15, decision 388, number 1, Part 1, among others. 2.° Although today, as was not the case before, cottages are being built in densely populated cities, nevertheless, in all ages, small cottages have been built in the countryside and in suburban areas, equipped with small gardens or orchards; but, in determining the proper parish, the rule has always been applied to consider only the access to the house. And this, for the reason that the garden or orchard is compared to the house in order to make it more pleasant and healthier, or is considered, by its very nature, to be an accessory. Therefore, in I. praedii. § 5, ff. de legato (3), where the question is asked whether a house is included in a bequest.

[*Latin ed. p. 463*]

S. Romana, Book 4, Title 63: Concerning a garden attached to a house. It is stated: If the garden was acquired by the owner (of the house) for the purpose of making the house more pleasant and healthy, and if access to it is had through the house, then the garden is considered part of the house and is included in the inheritance. The garden is considered an appendage or accessory to the house because it makes the house more pleasant and healthy, and because the owner has access to the garden through the house. This is also considered in decision 432, part 4, volume 2, "Recent," where it is stated: "Along with the house, the garden and similar things are included if access to them is had through the 'house,' as also in decision 77, number 1, part 10, "Recent." It does not matter if "sometimes the house is not the principal thing on the property but is an accessory, like an 'instrument' of the property, as judged by H. S. O. in decision 5, part 6, where it is declared: 'Rural houses are part of the property, and the accessories of the property are considered, just like the trees that are on the property,' as also in decision 1, part 17, number 13, and decision 457, part 2, number 3, among the "Recent" decisions. Indeed, from the above, the object is specified, and a garden is considered an appendage of the house if it was acquired to make the house more pleasant and healthy, as stated in the aforementioned law concerning property. 3.° Furthermore, it seems incongruous to the Lords to pay more attention to the access to the garden or orchard than to the house itself, because the parish priest directly exercises his jurisdiction over those who live in the houses; therefore, it is stated in the Council of Trent, session 24, chapter 13: "The Holy Synod commands the bishops, for the safer salvation of those entrusted to them, that they divide the people into certain and proper parishes, and that each be assigned his own permanent and particular parish priest." Therefore, Aloysius Ricci, Barbosa, and

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Reiff, in the aforementioned passages, speak "of a person living on the border of two parishes who becomes a member of that parish in which the house has access, etc." The Lords have not considered that the access to gardens or orchards can be equated with the courtyards or vestibules of houses, because jurisprudence has determined that not any access to a house should be considered, but the principal one; or that (as is read in the Neapolitan case file of July 26, 1873) "which is in accordance with the original and architectural aspect of the building." And this principle has been rightly accepted, because since the boundaries of the parishes must be certain, stable, permanent, and immutable, those things or objects that, by themselves, prefer stability must be taken as the basis for marking and determining them. Pirhing notes, in the aforementioned passage, "in dioceses and parishes, mountains, rivers, and marshes are often designated, which, however, are not properly boundaries but rather signs of the boundary or things that adhere to the boundary." In the case of a house that is on the border of two parishes, the access to the house has been considered a stable sign for determining the parish boundaries, or rather, the access to the house is considered the principal and external access, according to architectural principles.

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis. - Official Commentary. and the structure of the same house. However, nothing prevents the external entrance of the house from being protected by a gate; for these gates either protect or adorn the entrance, but do not alter it. Conversely, in villas, the entrance to the garden usually does not correspond to the architecture of the house, but rather to the convenience of access, and is therefore subject to the will of the owner, and thus has no fixed standard, certainly not one that is legally required. Furthermore, there is no established type of villa today, but they are built in almost infinite forms, and the villa is often surrounded either by fences or, more often, only by a small garden or lawn, without fences or ditches, or a surrounding wall, as is common in large cities in the United States. In such cases, only a path is marked in the garden or lawn, which leads more conveniently to the entrance of the house. Moreover, it has been observed, even here in Rome, that large buildings are being erected which are adorned with gardens or lawns, and a portion of these gardens is made available for the use and enjoyment of the individual tenants; however, the external entrance to the garden (which is usually double and equal in size) is common to all tenants, while the building itself, which is often quite large, has various entrances, some facing the gardens, and others facing the public road. The Fathers have also not failed to note that if the principle is admitted that, in villas, the entrance to the garden or small plot of land is not the entrance to the house, then there is no reason why the same rule should not be applied to suburban or even urban estates, which often

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have large gardens, such as the villas of the Bourgeois or Pamphili in the City. Certainly, small and large do not change the nature of the thing. But when gardens, especially in suburban estates, have such an extent, besides which the application of such a rule is entirely incongruous and unheard of, what inconveniences would it not cause if it were applied, what paths would it not block? It is not permissible to apply one rule to urban villas, and another to villas or suburban estates, or even to rural properties or farmhouses, when it is not appropriate, in a matter so important which concerns the boundaries of parishes and which must be preserved with such seriousness and religiousness from changes, to adopt a rule by which the boundaries are either determined or declared, not as a constant and stable standard, but as one subject to variation, based on a subjective or arbitrary assessment of some external condition of things. It has not seemed advisable to the Lords to follow this, because the inconvenience has already been encountered, and it is not provided for by common law. For the object is inconvenient, namely that the parish priests are forced to pass through foreign territory. But with regard to public roads, it is sufficient to remember that the parish priests are legally entitled, for the exercise of their ministry and the protection of their rights, to pass through public roads in foreign parochial territories, as has been consistently held by law.

[*Latin ed. p. 465*]

Regarding the matter of prudence, the Holy Congregation of Councils and Eastern Churches, and the Most Reverend Fathers, especially in the Piacentine [region], on November 24, 1713, as reported by Ferraris, in the *Bibliotheca Canonica*, article "Parochus," number 36. This was also confirmed in the aforementioned document from Bologna, on December 12, 1874. And this pertains to public roads. However, concerning the path by which access is gained to a house in a village, the question cannot arise, because the garden or courtyard, being an addition to the building, follows the house, just as an accessory follows the principal, and therefore falls under the jurisdiction of the parish priest to whom the house belongs, to whom also pertain the wooden or stone houses which are designated as the dwelling of the caretaker or gatekeeper.

Furthermore, it is also helpful to recall Instruction 89 of Benedict XIV, which, when he was Archbishop of Bologna, was issued to resolve certain practical difficulties regarding the access of parish priests to the houses belonging to their parish, even through private roads. The inconvenience mentioned in the matter, namely that houses built in the same location within the walls may have access either outside or inside the line previously marked by the walls, and thus may belong to different parishes, since access is open to all through the same road – commonly called the "ring road" – this inconvenience is now remedied by the laws established, granting Bishops the power, with certain formalities, even inviting the rectors, to divide

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parishes or to define new boundaries, whenever changes in public roads or the condition of the parish territory require it, as stated in the chapter "Concerning Churches and Buildings," and in the Council of Trent, Session 21, chapter 4, and Session 24, chapter 3, concerning reforms. In this way, the Fathers have observed that the rule remains firm: the main entrance of a house determines the jurisdiction, whether it is a small house or a villa pleasantly and healthily surrounded by a garden, or a large and famous castle fortified with towers, or a monastery to which a church is attached. This rule not only remains firm, but is recognized as being subject to a certain established and certain condition, namely the architectural structure of the house itself, and thus corresponds to its purpose, properly serving to maintain the stability that parish boundaries should have. If, however, a change occurs in the structure of the house and the access is altered, the boundaries already established by the application of this rule do not thereby change, as has been most wisely decided by the Holy Congregation of Councils in the aforementioned document from Bologna, on December 12, 1874; indeed, it is not permitted, it is not lawful, for private individuals to change the boundaries of parishes at their own discretion.

Having carefully considered and pondered all of these matters, and invoking the name of Christ, We, the undersigned Auditors, sitting in Tribunal, and with only God before our eyes, in response to the proposed question, answer: "No to the first part, Yes to the second part."

[*Latin ed. p. 466*]

Acts of the Apostolic See. - Official Commentary. 466, or the Archiepiscopal Decree, we deem approved and confirm; and thus we decide, declare, and definitively pronounce; moreover, we decree that the judicial expenses shall be borne by the parties, to be compensated. Thus we pronounce, commanding the local Ordinaries and ministers of the Tribunals to whom this pertains, to order the execution of this our definitive sentence, and to proceed against those who resist, according to the sacred canons, and especially chapter 3, session 25, concerning Reform, of the Council of Trent, employing the executive and coercive means that shall be most effective and suitable for the circumstances. Rome, on the 21st of July, 1911. Michael Lega, Dean, Presiding. William Sebastianeiii. Joseph Alberti. L. £g S. Sac. Tancredes Tani, Notary. VI. Edictal Citation of RAVENNA. NULLITY OF MARRIAGE. Whereas it is known to the Episcopal Curia of Nashville that the citation of Dña. Mildred Montague, in this cause, could not be served because Dña. Montague could not be found, we hereby cite her by this present edict to appear, either in person or through a lawfully appointed procurator, in the Seat of the Sacred Roman Rota on the 8th of November, 1911, at the eleventh hour, to examine and subscribe the following question, and also to determine the day on which the rota will be held for the definition of the cause. With the declaration that, unless

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she appears, she shall be declared contumacious. Question: Whether the sentence of the rota should be confirmed or rejected in this case? The local Ordinaries and all the faithful who have knowledge of the domicile or place of residence of the aforementioned lady, ought to take care, if and to the extent that it is possible, to inform her of this edictal citation. Rome, on the 6th of September, 1911. Franciscus Heiner, Presiding. L. ffi.S. Sac. Tancredes Tani, Notary of the Sacred Roman Rota.

[*Latin ed. p. 467*]

Apostolic Signature. 467 Translation. TRIBUNAL OF THE HOLY ROMAN ROTE, ROME. Summons by Decree. RAVENNA. - NULLITY OF MARRIAGE. Since it is known that the Episcopal Curia of Nashville was unable to notify Mrs. Mildred Montague, because it was not possible to find this lady, we hereby summon the aforementioned Mrs. Mildred Montague to appear, in person or by a duly constituted procurator, at the seat of the Tribunal of the Holy Roman Rote, on November 8, 1911, at 11 o'clock in the morning, to consider the doubt reported below, and to set the date for the presentation of the case before the Rote; with the declaration that if the aforementioned lady does not appear, she will be considered in contempt. Doubt: "Should the rotal sentence be confirmed or revoked?" The Ordinary of the place and the faithful who have knowledge of the domicile or place of residence of the aforementioned lady are obliged, as far as possible, to inform her of this summons. Rome, September 6, 1911. Francis Heiner, Ponent. Reverend Tancredes Tani, Notary of the Holy Rote. B. L. £ß.

S. SIGNATURA APOSTOLICA ARIMINI. PENSIONS. Between Marianum Pascucci, archpriest of the Church of Saint Mary in the place called "Cento," appearing, represented by his legitimate procurator, Angel D'Alessandri, advocate; and Bartholomew Fantini, parish priest of the Church of the Most Holy Name of Jesus and Saint Roch, commonly called Saint Augustine, in the city of Arimini, appearing, represented by his legitimate procurator, Aloysius Lavitrano, advocate. The parish church of Saint John the Evangelist and Saint Roch (commonly called Saint Augustine) in the city of Arimini, from the year 1864, by Letters...

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis. - Official Commentary. The Apostolic See, having been exempted from the payment of a pension, namely an annual sum of two hundred Roman scudi (1064 Italian lire), by virtue of a leaden seal, was obligated to pay this sum with the support of four parishes within the same diocese of Arimino, which were suffering from poverty; namely, 72 scudi from the parochial Church of St. Gaudentius in the suburb of Arimino; 48 scudi from the parochial Church of St. Mary Magdalene in the locality of Delle Gelle; 40 scudi from the parochial Church of the Most Holy Cross in the locality of Muscolo; and finally, 40 scudi from the parochial

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Church of St. Paternian in the locality of Casalecchio. Then, in the year 1875, following the vacancy of the aforementioned parochial Church, and with the Bishop of Arimino urging this matter, and with the consent of the respective Rectors of those churches, who would otherwise be compensated, the Apostolic See granted that the Church of St. John the Evangelist and St. Roch in Arimino be exempted from the aforementioned pension. However, when the Church of St. John the Evangelist again became vacant in the year 1878, the priest Peter Bianchi, titular of the Archpriestal Church of St. Mary in Cento, to whom he had been assigned since 1849, was canonically transferred from that diocese of Arimino to the parochial Church of St. John the Evangelist in the city of Arimino. However, he did not consent to this transfer, unless it was stipulated that the aforementioned pension, which, as we have seen, had long been imposed on the parochial Church of Arimino, to which he was being called, would be removed from that Church. And indeed, this pension was transferred, by an Apostolic Bull entitled "Ad Catholicae Ecclesiae," dated May 3rd, 1878, in the year of the Incarnation of the Lord, to the Archpriestal Church in Cento, which he was leaving. The immediate successor in the archpriestal benefice, the priest John Garuffi, although he initially agreed to fulfill the aforementioned pension, as did other candidates, if the parish would assist him; however, he immediately sought from the civil government that the aforementioned pension be waived, because in the Episcopal Curia, numerous testimonies of the faithful of the parish of St. Mary in Cento were preserved, which demonstrated that it was impossible for that Church to fulfill the census declared by his predecessor. But in vain; indeed, for this misdeed, he received ecclesiastical censures; therefore, he was compelled to pay the pension imposed on his benefice. After the death of John Garuffi, the priest Marian Pascucci was appointed to the Archpriestal Church of St. Mary in Cento, and he abstained from paying the pension for two years. When he was urged to pay, he refused, and presented a case to the Holy Congregation of the Council, hoping for an exemption from all pension payments. The main argument for his hope rested on this fact: that Marian Pascucci truly...

[*Latin ed. p. 469*]

Apostolic Indult. It was reported that the priest Peter Bianchi had, in order to obtain the transfer of a pension to the Church of St. Mary of Cento, notably increased the revenues of that church, through the accumulation of the fruits of the parish benefice with a certain pious endowment, the administrator of which is the titular church of St. Mary; and, conversely, the revenues of the parish church of St. John the Evangelist and St. Roch in the city of Ariminen had notably decreased. It was further reported that, for this very purpose, the priest Bianchi had extorted a signed testimony from his parishioners, exploiting their good faith, regarding their consent to the imposition of the aforementioned pension. This gave rise to a flaw in

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the Pontifical Bull concerning the transfer of the aforementioned pension. The outcome of the Marian Pascucci's legal proceedings dashed all hope. Indeed, the Holy Congregation of the Council considered that the imposition of the pension should be maintained in this case; however, after considering all matters, it reduced the pension to 500 Italian lire perpetually, with the following response: On April 26, 1902 - There is a basis for reducing the pension to 500 lire. The priest Marian Pascucci, deeply aggrieved by this decision of the Holy Congregation of the Council, appealed against another decision made by the same Holy Congregation; which responded as follows: On February 28, 1903 - The decision stands, and in accordance with the foregoing. The meaning is that the pension, as reduced, must also be paid with regard to the past. Against this judgment, the priest Marian Pascucci also appealed. However, the Holy Congregation of the Council responded absolutely: On May 10, 1908 - The decision stands; and, having given the Ordinary instructions, it was warned, in the event that the Archpriest did not comply: The Bishop should proceed against the parish priest Pascucci, following the procedure outlined in the letters of November 26, 1906. These letters threatened suspension from office. Indeed, the Archpriest Pascucci did not immediately comply; but after eighteen months had passed without him satisfying the debt, he finally, under ecclesiastical pressure, paid a portion of the debt for the previous two years, promising to pay the remainder through promissory notes. Marian Pascucci was then sued by the Episcopal Curia, and by the parish priest of the Church of St. John and St. Roch in the city of Ariminen, for the grievous injury inflicted upon him, because, in order to redeem the debt, he had obtained from the civil authorities the sale in public auctions and in the marketplace of the town of Cento of grain belonging to the revenues of his parish, to the great scandal of the faithful. Since he persisted in this course of action, he was deemed...

[*Latin ed. p. 470*]

Acts of the Apostolic See. - Official Commentary. It was deemed necessary to pay the aforementioned pension due to the inadequacy of the revenues of the parish benefice; therefore, at the request of the Pontifical Commission, an appeal was brought before the Supreme Tribunal of the Apostolic Signatura for a new judgment. Consequently, the case was thoroughly examined during the Ordinary Session of the Supreme Tribunal, held in the buildings at the Vatican on the sixteenth day of July, in the year 1910, with the Reverend Father Francisco de Paula Cardinal Cassetta as the relator, and the doubt previously agreed upon by the parties being: Whether and to what extent the pension should be maintained in this case? The Most Eminent Judges responded: It is to be extended, and according to the following terms. It was determined that a just and experienced man, thoroughly versed in agricultural matters, should be chosen by the Bishop

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of Rimini, with the consent of the litigating parties, to whom the Supreme Tribunal of the Apostolic Signatura would entrust the task, under oath, of calculating the revenues of both the parish Church of Saints John the Evangelist and Roch (commonly known as St. Augustine) in the city of Rimini, and also of the parish or archpriestal Church of St. Mary in the place of Cento, taking particular account of the revenues received by each Church during the last decade. Indeed, such a calculation, or, as it is commonly called, an expert opinion, was made by the Reverend Romualdo Casicci and submitted to the Supreme Tribunal, which, during the Ordinary Session held on the seventeenth day of June, 1911, defined the case, responding to the aforementioned doubt: That the pension should be reduced to one hundred and fifty annual installments. As for the payment of the pension for previous years, the archpriest of Marano, Pascucci, should not be disturbed. Regarding the judicial expenses, the Supreme Tribunal decided that they should be shared equally between the parties. And thus it was decreed, pronounced, declared, and definitively judged; and it was ordered that this definitive sentence be made public and that all to whom it applies be ordered to execute it, not only, etc., but also, etc. Given at Rome, in the buildings of the Supreme Tribunal, on the sixteenth day of July, in the year 1911. So be it. N. Marini, Secretary, S. S. A. T. L. % S. Iosephus adv. Fornari, S. T. A.

[*Latin ed. p. 471*]

Diary of the Roman Curia. 471 DIARY OF THE ROMAN CURIA. SAGRA. CONGREGATION OF RITES. PREPARATORY CONGREGATION. On August 22nd, before the Most Reverend and Most Reverend Cardinal Prefect, Domenico Ferrata, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates, Officials, and Theological Consultors discussed and gave their votes concerning the heroism of the virtues of the Venerable Servant of God, Sister Filomena of Santa Colomba, a professed nun of the Order of the Minim Friars of Saint Francis of Paola.

ORDINARY CONGREGATION. On September 5th, 1911, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented to the judgment of the Most Reverend Cardinals, who comprised the same:

I. Introduction of the Cause of Beatification and Canonization of the Servant of God, Benvenuto Bambozzi, a professed priest of the Order of the Conventual Minor Friars.

II. Confirmation of the ancient and perpetual worship rendered to the Servant of God, Bonaventura Tornielli, a professed priest of the Order of the Servants of Mary, called Blessed.

III. Granting and approval of the Proper Office and Mass in honor of the Blessed Stephen Theodore Cuenot, Bishop and Martyr, for the Archdiocese

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of Besançon.

IV. Granting and approval of the Proper Office, Mass, and Eulogy to be included in the Martyrology of the Order, in honor of the Blessed James Capocci of Viterbo, of the Order of the Roman Canons of Saint Augustine, Archbishop of Naples.

V. Confirmation, or Election of Saint Elizabeth of Hungary, Widow, as the Principal Patroness of the city called Santa Isabel, in the Apostolic Vicariate of Fernando Pó.

VI. Revision of the writings of the Venerable Servant of God, Anthony Mary Gianelli, Bishop of Bobbio, Founder of the Daughters of the B. V. M. from the Garden.

[*Latin ed. p. 472*]

Acts of the Apostolic See. – Official Commentary. SECRETARY OF STATE. By letter from the Secretary of State, His Holiness has graciously deigned to appoint: August 12, 1911. – Monsignor Camillo Laurenti, Secretary of the Sacred Congregation for the Propagation of the Faith. September 3, 1911. – Monsignor Adriano Zecchini, Under-Secretary of the same Sacred Congregation for the Propagation of the Faith. HONORS. To His Holiness, by letter and by Brief from the Secretary of State, it has been graciously deigned to confer the following honors: The Knighthood of the Order of Saint Gregory the Great, civil class: August 2, 1911. – To Mr. Don Antonio de Acatanassis Nemer, of the diocese of Beiern del Para; – To Mr. Guglielmo Augusto de Miranda, of the same diocese. NECROLOGY. September 1911. – His Eminence, the Most Reverend Cardinal Giovanni Puzyna da Kozielsko, Bishop of Cracow. February 1911. – Monsignor Antenogene Silva, Archbishop of Mechoacan (Mexico). June 1911. – Monsignor Clemente Fagnani, Bishop of Kandy (Ceylon). August 1911. – Monsignor Giovanni Capitoli, Bishop of Bagnorea. – Monsignor Raffaele Piros, Bishop of Penne and Atri. – Monsignor Emanuele San Roman y Elena, titular Bishop of Milasso. – Monsignor Antonio Delenda, Archbishop of Athens.

[*Latin ed. p. 473*]

Year IH. - Vol. III. September 30, 1911. No. 13. OFFICIAL ACTS AND COMMENTARIES. ACTS OF POPE PIUS X. LETTERS. I. TO THE REVEREND FATHER DOMENICO FALCONIO, ARCHBISHOP TITULAR OF LARISSEN, APOSTOLIC DELEGATE IN THE UNITED STATES OF AMERICA, CONCERNING THE PRESERVATION OF PEACE. Venerable Brother, greetings and apostolic blessing. — We have gladly received from you, under the auspices of a group of men whose authority is highly esteemed by the people, the fervent efforts undertaken in the United States of America for the benefit of the peoples in preserving peace. Indeed, to unite minds, to restrain hostile forces, to prevent the dangers

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of war, and to remove even the anxieties of armed peace (as they say), is a most noble undertaking: and whatever is contributed to this cause, even if it does not directly or fully align with the plans, is a commendable effort, one that neither lacks the praise of its authors, nor the benefit to the public good. And this is especially true in this time, when great forces, and instruments perfectly suited for destruction, and a military science so far advanced, portend wars that are even to the most powerful rulers themselves a cause of great concern. Therefore, we sincerely commend this undertaking, which we believe is worthy of the approval of everyone, and especially of Ourselves, who, having attained the highest office in the Church, fulfill the duties of Him who is both Prince of Peace and God: and to those who strive for this goal, we gladly add our support and authority. For We are not in doubt that these outstanding men, in whom there is so much intellectual strength and civil prudence, will desire to pave the way for peace for the nations through just means.

[*Latin ed. p. 474*]

Acts of the Apostolic See. - Official Commentary. 474, and to the laws of holiness which must be observed by all. For one cannot hope to establish peace, solely through order, unless one strives, as far as one can, to ensure that those virtues which are the principles and the greatest foundation of order are honored everywhere. Furthermore, remembering the examples of so many illustrious Predecessors of Ours, who, when the opportunity arose, have deservedly earned great merit for the good of the human race and the strength of empires, we are spurred on to strive to achieve something in this matter as well. Since, indeed, this age allows us to accomplish nothing in this matter other than pious prayers to God, who knows the hearts of men and inclines them as He wills, we earnestly implore Him to be gracious to those who seek to reconcile peace among peoples: and to those nations which seek peace with a united will, may He deign to grant that, after the calamities of war and discord, they may finally rest in the beauty of peace. May the divine blessings be upon you, Venerable Brother, and may Our Apostolic blessing, a testament to Our benevolence, be imparted to you in the Lord. Given in Rome, at St. Peter's, on the eleventh day of June, 1911, in the eighth year of Our Pontificate. PIUS PP. X. II. TO THE MOST REVEREND AND BELOVED FATHER JOHN, ARCHBISHOP OF THE NEW YORK DIOCESE, IN TOKEN OF DEVOTION, EXPRESSED BY LETTER. Venerable Brother, greetings and the Apostolic Blessing – The fruit of your most pleasing kindness has been bestowed upon Us by your letter. News has reached Us of the close relationship in which the faithful of your diocese are united with Us. Although this was already known to Us, We were pleased to receive it again from you, and to enjoy the new and most desirable act of piety. This act is all the more pleasing because it is more complete. But you have made it most complete when you announced that

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you have shown due reverence for Our commands here; and that public and private prayers for Us, especially during this year, have been offered to God; and that the Mass of St. Peter is offered as a contribution by devoted sons from America to support the care of Our common Father. We embrace all of this with a paternal heart, and we reciprocate with equal piety; of which this Apostolic Blessing is a witness, which We impart to you, Venerable Brother, and to all those who are in your...

[*Latin ed. p. 475*]

475 The acts of Pope Pius X are presented to the diocese, who, under our paternal authority, impart to us their most heartfelt affection in the Lord. Given in Rome, at St. Peter's, on the twenty-fifth day of June, 1911, in the eighth year of Our Pontificate. PIUS PP. X. To the Most Reverend Fathers, the Provincial of PERRARI, the Archbishop of the Congregation of Clergy of Rhaud in Milan, and the Bishops assembled annually for the Episcopal Congregation. Beloved Sons and Venerable Brothers, greetings and the apostolic blessing. — It scarcely needs to be stated how deeply we appreciate the piety that is evident in your common letter. For it is not unknown to you that those who labor so diligently for the things which you lamentably recall, cannot bring about a greater remedy for the inconveniences afflicting the Catholic name than the union of brothers and sons: for nothing is more firm in defending the Church than a united college. As for the governance of your dioceses, for which purpose you have assembled in Rhaud, as is your custom, we have indeed gladly received your deliberations, especially those pertaining to the grave evils that beset the Church in these times. Understand, beloved Sons and Venerable Brothers, that We pray that the designs of those who act wrongly against Catholics may be frustrated, those who, deceived by empty hopes, would seek to weaken Catholics, forgetting or, at least, not sufficiently remembering the most sacred rights of religion and the Apostolic See. It is clear that these same individuals are doing great harm to the Catholic cause, unless timely action is taken by the Holy Fathers. Indeed, it has been found that similar periodicals and writings published for the public, as well as well-organized Catholic associations, can be of great help in supporting this action! More than can be adequately mentioned. And you have rightly decided to make use of their support in order to properly instruct and admonish the faithful, and to arouse salutary studies in them. However, while we approve of this, we also remind you to be diligent in ensuring that those who contribute to such publications never deviate from the teachings of the Church, but in all things, listen most devoutly to the dictates of the Apostolic See. It must be understood by each of you that certain periodicals, which, as a rule, aim to

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suggest to Catholics that the damages inflicted upon them by those who...

[*Latin ed. p. 476*]

476 Acta Apostolicae Sedis. - Official Commentary. Public changes, the Church's resources are depleted, and freedom is curtailed: these neglect the unjust conditions in which the Apostolic See finds itself, and they give no thought to the more grievous trials that enemies prepare: these are entirely devoted to celebrating the ingenuity and orthodoxy of authors whose writings, if diligently examined, are found to be riddled with falsehoods and the most egregious errors: finally, those who are honored with the Catholic name penetrate homes more easily, are carried in the hands of all, are easily read by all, clerics being the least exempt, and work such corruption of Catholic judgment and discipline as neither the openly offensive publications of the Church itself can achieve. Furthermore, Catholic associations, which we desire to be multiplied and flourish in each of your dioceses, must also be carefully managed so that they maintain the strictest discipline: and each member must freely profess and defend the Catholic faith both at home and abroad. That all these things may happily occur, with the favor of heavenly blessings, and as a testament to Our own benevolence, We impart the Apostolic Blessing to you all, beloved sons. Our most beloved brothers in the Lord, We impart to the clergy and people of each of you. Given at Rome, near St. Peter's, on the first day of July, 1911, in the eighth year of Our pontificate. PIUS PP. X. SACRED CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES) I. A SODALITY OF THE HOLY SACRIFICE OF THE MASS IS ENRICHED WITH NEW INDULGENCES. On September 7, 1911. His Holiness, Pope Pius X, having considered that, from various Indulgences granted by the Apostolic See, not all at once, there is a lack of desirable uniformity among the Archiconfraternities and Confraternities, called the Holy Sacrifice of the Mass, which are established in many places, and wishing to remedy this inconvenience, by the authority granted to this Holy Congregation by the Supreme Authority, having abolished all and each of the Indulgences by which the aforementioned Associations have hitherto been enriched, in such a way that...

[*Latin ed. p. 477*]

The Holy Congregation of the Holy Office has, finally, granted the following indulgences, which are new and applicable to the deceased, to the benefit of both the living and those to be erected in the future, in any place, to Archiconfraternities, and also to existing or to be erected Confraternities which have been joined to such Archiconfraternities. These are:

A. Plenary Indulgences, for those faithful who have been duly enrolled in the Sodality, if they have confessed and received Holy Communion, and have visited a church or public oratory, and have prayed there according to

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the wishes of the Supreme Pontiff:

1. On the day of their entrance into the Sodality;

2. On the feasts:

a) of the Nativity, Circumcision, Epiphany, Resurrection, Ascension, and the Most Holy Heart of Our Lord Jesus Christ;

b) of Pentecost, the Most Holy Trinity, and the Most Holy Body and Blood of Our Lord;

c) of the Immaculate Conception, Nativity, Purification, Annunciation, and Assumption of the Blessed Virgin Mary;

d) of All Saints;

e) of Saint Norbert, Bishop; Saint Charbel, Confessor; Saint Paschal Baylon, Confessor; Saint Juliana of Corneillon, Virgin;

f) of the titular church in which any Sodality has been established;

3. Twice in each year, on days designated by the respective Ordinaries, once for each Sodality;

4. Once a year, on a day chosen at the discretion of any member of the Sodality.

B. Plenary Indulgences, in articulo mortis (not applicable to the deceased), for the same members, if they have confessed and received Holy Communion, or at least have been contrite, and have invoked the Most Holy Name of Jesus, with their mouth, if they can, or with their heart, if not, and have patiently accepted death as the punishment for sin from the hand of the Lord.

C. Partial Indulgences of one hundred days, for members who have completed some work of piety, for the benefit of the Sodality.

Furthermore, the same Most Holy Father has granted that, in places where only one Mass is celebrated on days of precept, members may, in lieu of another Mass, according to the laws of the Association, fulfill this obligation by praying piously for some time before the Holy Eucharist, either before or after the Holy Mass of precept. These are valid perpetually, without any Brief. Contrary provisions notwithstanding.

Aloysius Giambene, Substitute for Indulgences.

L. ffi S.

[*Latin ed. p. 478*]

Acts of the Apostolic See. - Official Commentary. 478 II. A REMEDY IN FAVOR OF THE CONFRATERNITY OF THE SEVEN SORROWS OF THE BLESSED VIRGIN. Most Blessed Father, the Prior and General Procurator of the Order of the Servants of the Blessed Virgin, moved by devotion to Your Holiness, declare that certain errors have been observed, here and there, concerning the admission of the Christian faithful into the Confraternity of the Seven Sorrows of the Blessed Virgin, both in the

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granting of the Scapular and the prayerful Crown called "of the Seven Sorrows of the Blessed Virgin," and finally, in the recording of the names of the Christian faithful in the register of the Confraternity: therefore, so that the Christian faithful may not be deprived of indulgences because of these or other irregularities, they earnestly request that Your Holiness deign to benignly remedy or validate all of the aforementioned admissions that have been made thus far, and which are subject to some defect. And God, etc. On September 12, 1911. The Most Holy Lord, Our Pope Pius X, through the authority granted to the Most Reverend Prelate, Assistant of the Holy Office, benignly granted the requested remedy. Notwithstanding any objections to the contrary. L. Aloisius Giambene, Substitute for Indulgences. S. SACRED CONSISTORY CONGREGATION I. ERECTION OF THE PRELATURE NILLED OF THE MOST HOLY CONCEPTION OF ARAGUAYA. The Most Holy Lord Our Pope Pius X, by decree of the Sacred Consistory Congregation of July 18, 1911, erected a new Prelature Nullius, called "Most Holy Conception of Araguaya," of which the following are the boundaries: To the south, the course of the small river commonly called Bio Tapirapè, from its origin to its mouth in the Araguaya River; to the east, the course of the Araguaya River from the mouth of the aforementioned Tapirapé stream, up to the place called São João, where the Araguaya River flows into the larger river Tocantins; to the north, first, that short stretch of the Tocantins River which runs from the confluence of the Araguaya River to the town, [Oppido].

[*Latin ed. p. 479*]

Sacred Congregation of the Council. 479 Jaraba; then the ideal line which, starting from the place Jaraba, runs directly to the place Alta Mira on the Xingu River: to the west, the course of the Xingu River from the place Alta Mira until it flows into the small river Bio Fresco; then the course of this stream, ascending to its origin; finally, the ideal line which, starting from the origin of the same stream, runs directly to the origin of the Tapirapé stream.

II. ERECTION OF THE DIOCESE OF DES MOINES. Our Most Holy Lord Pope Pius X, by decree of the Sacred Congregation of the Council of August 6, 1911, erected a new diocese called Des Moines in the United States of North America, of which the following are the boundaries: To the east, the eastern boundaries of the civil counties of Polk, Warren, Lucas, and Wayne, which are therefore included in the new diocese; to the south, the boundaries of the civil state of Iowa; to the west, the course of the Missouri River; and finally, to the north, the northern boundaries of the counties of Harrison, Shelby, Audubon, Guthrie, Dallas, and Polk, which are therefore also included in the new diocese; so that the aforementioned new diocese comprises twenty-seven civil counties, namely: Harrison, Polk, Warren, Clarke, Binggold, Shelby, Gass, Mills, Lucas, Decatur,

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Audubon, Pottawattamie, Montgomery, Fremont, Wayne, Guthrie, Adair, Adams, Page, Dallas, Madison, Union, and Taylor.

III. ALTERATION OF THE BOUNDARIES OF THE DIOCESES OF RATISBON AND BAMBERG. Our Most Holy Lord Pope Pius X, by decree of the Sacred Congregation of the Council of August 30, 1911, decreed that the place commonly called Hub, which previously belonged to the parish of Hopfenohe in the archdiocese of Bamberg, should be part of the parish of Kifchenthumbach, in the diocese of Ratisbon.

IV. PROVISION FOR CHURCHES. By successive decrees of the Sacred Congregation of the Council, Our Most Holy Lord Pope Pius X provided for the following churches with pastors, namely: August 23, 1911. — He appointed the priest Joseph Castelli, parish priest in the town commonly called Guorgnè in the archdiocese of Turin, as pastor of the cathedral church of Secusio.

[*Latin ed. p. 480*]

480 Acta Apostolicae Sedis. - Official Commentary. September 1, 1911. — To the priest Aloysius Humbrecht, of the cathedral church of Poitiers, appointed as the General Vicar of the archdiocese of Besançon. — To the priest Aloysius Joseph Maurin, of the cathedral church of Gratianopolis, appointed as the General Vicar of the diocese of Marseilles. September 7. — To the priest John Mary Laval, of the titular episcopal church of Hierocaesarea, appointed as the General Vicar of the archdiocese of New Orleans, who is designated as an Auxiliary to the Most Reverend James Hubert Blenck, Archbishop of New Orleans. September 9. — To the priest John Garigliano, of the archdiocese of Turin, appointed as the General Vicar of the archdiocese of Aquila. September 2. — To the priest Aloysius Paulini, a canon of the metropolitan church of Udine, of the cathedral church of Nusca.

CONCERNING THE SUPPRESSION OF FESTIVAL VIGILS BY A MOTU PROPRIO DECREE OF JULY 2, 1911. Reported by the undersigned Prefect of the Sacred Congregation of Councils in an audience on September 15, 1911, to His Holiness, Our Most Holy Father Pius X, concerning a doubt proposed to the aforementioned Sacred Congregation by several Bishops, as to whether, after the Motu Proprio decree "Supremi disciplinae" of July 2, 1911, the vigils of suppressed feasts must still be observed, either by command or by vow previously made; His Holiness ordered that the following be answered: "Affirmatively." Given from the Secretariat of the Sacred Congregation of Councils on September 18, 1911. C. CARD. GENNARI, Prefect. I. Ferro, Assistant.

[*Latin ed. p. 481*]

I. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. 481 SACRED CONGREGATION FOR THE PROPAGATION

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OF THE FAITH. I. ERECTION OF THE APOSTOLIC PREFECTURE OF NIGERIA ORIENTALIS. That the preaching of the Divine Name may proceed more successfully in the Apostolic Prefecture of Niger Superior, the Most Reverend Fathers of this Sacred Congregation for the Propagation of the Faith, in plenary sessions held on July 24th of the preceding year, decided that the aforementioned territory, extending to the eighth degree of longitude east (Greenwich), should be divided into two parts, one of which, retaining the ancient name of Niger Superior, would assume the new designation of Nigeria Occidentalis, while the other, to be called Nigeria Orientalis, would be erected into a separate and independent Apostolic Prefecture. The decision of the Most Reverend Fathers is approved and ratified by the undersigned Prefect of the same Sacred Congregation, by virtue of a special faculty granted to him by His Most Holy Lordship, Pope Pius X, and a decree on this matter is hereby issued. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on August 24th of the year 1911. Fr. H. M. CARD. GOTTI, Prefect. L. Ç&S. Camillus Laurenti, Secretary. II. APPOINTMENTS OF BISHOPS. By Apostolic Brief, the following were appointed: August 24, 1911. — The Reverend Constantius Jeanningros, titular Bishop of Huarense, and Coadjutor with right of succession to the Most Reverend Apostolic Vicar of Cocincina Orientalis. August 25. — The Reverend Father Francis Xavier Richard Viia y Mateu, of the Order of the Friars Minor Capuchin, titular Bishop of Adrahorum, and Apostolic Vicar of Guam. III. APPOINTMENT OF APOSTOLIC PREFECT. By decree of the Sacred Congregation for the Propagation of the Faith, the following was appointed: August 1, 1911. — The Reverend Father Iosephus Heintz, of the Congregation of the Most Holy Redeemer, Apostolic Prefect of Matadi in the Belgian Congo.

[*Latin ed. p. 482*]

482 Acta Apostolicae Sedis. — Official Commentary. SECTION, CONGREGATION FOR THE CULT OF DIVINE WORSHIP. DECREE REGARDING THE BEATIFICATION OR DECLARATION OF MARTYRDOM OF JAMES SALES and WILLIAM SALTAMOUCHE, MEMBERS OF THE SOCIETY OF JESUS. To the number of heroes, to whom, as is reported, in the 16th century, during the cruel Calvinist persecution, especially in Switzerland and France, it was sweet to die for Christ and for the Holy Church, are to be added James Sales, a priest, and William Saltamouche, a temporary coadjutor, both members of the Society of Jesus. For these men, with all their strength, strove to prevent those speaking perverse things from leading disciples after them, and to defend the true presence of Christ the Lord in the Most Holy Sacrament of the Eucharist from the errors of heretics; seized by heretics in France at Aubignac on the sixth of February in the year 1593, and condemned to death, they sought the most glorious death.

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The fame of their sanctity, as well as of their martyrdom and, in general, of miracles, had already arisen from the 16th century, and was increased in the year 1878, on the occasion of the translation of their relics, so that, in accordance with the established order, it was considered necessary to address the matter before the Sacred Congregation of Rites. Therefore, at the urgent request of the Reverend Father Camillo Beccari, General Postulator of the Society of Jesus, and with attentive letters from the Eminences and Reverends Cardinals and from several Holy Bishops, separately or jointly with priests from both orders and other distinguished men, especially from France, who attended the Eucharistic Congress in Rome in the year 1905, the Eminence and Reverend Lord Cardinal Vincent Vannutelli, Bishop of Palestrina, in place and instead of the Eminence and Reverend Lord Cardinal Jerome Gotti, Promoter or Relator of this Cause, in the Ordinary Assemblies of the Sacred Congregation of Rites, convened on the designated day at the Vatican, proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be appointed in this case and for the purpose in question? And the Eminences and Reverends Fathers, Prefects of the Sacred Rites, after the report of the Cardinal Proponent, having heard the voice and the written statement of the Reverend Father Alexander Verde, Promoter of the Holy Office, having carefully considered all matters, decided to write: Affirmative, that is, that the Commission should be appointed, if it pleases the Most Holy. On July 11, 1911. Subsequently, a report was made to the Most Holy Lord Pope Pius X by the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, and His Holiness, approving the decision of the same Sacred Council,

[*Latin ed. p. 483*]

In Holy Rome, on the 433rd day of the year, the Commission for the Introduction of the Cause of the Venerable Servants of God, James Salès and William Saltamochia, of the Society of Jesus, was duly signed by hand on the tenth day of the same month and year. Rev. Cardinal MARTINELLI, Prefect. Rev. Peter La Fontaine, Bishop of Charysteien, Secretary.

SACRED ROMAN ROTA OF RAVENNA. NULLITY OF MARRIAGE. - PASOLINI-MONTAGUE. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on May 15, 1911, the Most Reverend Fathers, Doctors Frederick Cattani, presiding, Anthony Perathoner, and Joseph Alberti, Auditors of Tournon, in the case of "Ravenna. Nullity of Marriage," (which was initially heard by the Holy Office, by order of the Supreme Pontiff), between Pasolini Pasolini and Mildred Montague; with the Defender of the Bond, acting ex officio, having intervened and debated in the matter, rendered the following judgment.

The Count Pasolini of Pasolini, born in Ravenna, when he was 29 years old, in the year 1905, recognized an American girl, named Mildred Montague, who was 19 years old, while she was traveling through Italy with her

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family, and he was captivated by her. Subsequently, having become more certain about her and her family, he asked her to marry him. The girl, with the consent of her parents, readily agreed to this proposal, and, after the betrothal was initiated, she returned to America, intending to return later to celebrate the marriage. In the year 1907, she returned to Italy, and all that pertained to the marriage was quickly prepared. Since the girl, Mildred, was of the Presbyterian faith, it was necessary to first obtain a dispensation from the impediment of mixed religion from the Congregation of the Holy Office. However, because in the petition presented to the Congregation of the Holy Roman and Universal Inquisition, it was stated that Pasolini of Pasolini was a member of this city's diocese, the Holy Congregation granted the faculty to dispense, with the usual conditions, at the prudent judgment and conscience.

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis. - Official Commentary. The Eminence, Prefect of the Congregation of the Roman Curia, inquired, before granting this dispensation delegated to him, about the domicile of the bridegroom, and also about his freedom to contract marriage. Then, sent by Pasolino, Peter Desiderius, his father, and the Reverend John Genocchi, a priest from the Sacred Heart Society, appeared at the Aomana Curia, and there, having sworn an oath, testified with almost the same words: "Pasolino resides in the parish of St. Marcello. He came 'to Rome in 1879 and has habitually resided there for the greater part of each year until today.'" However, when they promised to fulfill the conditions imposed on the bridegroom, the Eminence, Vicar of Rome, granted a dispensation from the impediment of mixed religion, and at the same time, the faculty to celebrate the marriage, observing the Tridentine form; privately, outside the Church, and without any ecclesiastical rite. But, since Count Peter Desiderius strongly desired that his son Pasolino celebrate the marriage in a private chapel on the estate of Countess Rasponi, near Florence, and that the Sacrifice of the Mass be offered for the bridegroom and bride, prayers were presented to the Supreme Pontiff that he would deign to grant their wishes. The Holy Father agreed that the marriage should be celebrated in the chapel, but without a Mass for the bride and groom, because in it, ritual blessings are imparted to the bride. In the meantime, a delegation was obtained from the parish of St. Marcello in Rome, now abolished, within whose boundaries Count Peter Desiderius Pasolini, the bridegroom's father (although he resides in Ravenna), spends at least half the year in his country house, for Conrad Confalonieri, a Canon of Florence, to attend this marriage. Finally, the marriage between Pasolino and Mildred was celebrated near Florence, in the chapel of Countess Rasponi, the bride's aunt, in the presence of the aforementioned Canon, delegated by the priest of St. Marcello. This was, indeed, a most unfortunate omen; for after two years and five months, the

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wife, Mildred Montague, of Fratta, who had vowed fidelity to her husband, fled to America to be with her family, and did not return. Pasolino, although he had no children by Mildred, was nevertheless deeply grieved. Afterwards, he began to consider the nullity of this marriage; because, since he himself resided in the parish of St. Dominic in Ravenna, and not in Rome in the parish of St. Marcello, where he used to visit his family for only a few months each year, the delegation obtained from the priest of St. Marcello was entirely devoid of value, and therefore, he considered his marriage with Mildred (not celebrated before his own priest, nor before his delegate) to be tainted with the vice of clandestinity. Therefore, he brought a cause for the nullity of his marriage with Mildred Montague, alleging the defect of clandestinity, which the Holy Father ordered to be judged by this Sacred Tribunal, and which is presented to us under the doubt: "Can the nullity of a marriage be established on the grounds of clandestinity in this case?"

[*Latin ed. p. 485*]

S. Bomana Bota. 485 If the marriage was celebrated before the decree "Ne temere," it must be judged according to the law of Trent, which, in session XXIV, concerning the reform of marriage, chapter I, states: "Those who attempt to contract marriage otherwise than in the presence of the 'parochus,' or another priest with the license of the 'parochus' or ordinary, and with 'duobus vel tribus testibus,' the Holy Synod declares to be entirely incapable of contracting in this manner, and decrees that such contracts are void and null, as it makes them void and annuls them by the present decree." Although the Tridentine Council does not speak of the 'parochus' proper of either of the parties, yet the interpretation of the doctors (Cf. among others, Sánchez, Tractatus de matrimonio, lib. 3, disp. 19) and the constant jurisprudence (e.g., Rota, decisions 643, 656 and following, vol. I, in the most recent editions) and authentic declarations (Urbanus VIII, constitution Exponi, August 14, 1627; Benedictus XIV, constitution Paucis, March 19, 1758; S. C. S. Officii, July 7, 1887, etc.) compel us to understand it in such a way that it is certain that the marriage is null unless it was contracted before the 'parochus' of either of the parties, except in the case that one of the parties is 'vaga,' or has their domicile or quasi-domicile in a place where the decree "Ne temere" has not been promulgated, and they contract marriage there. Therefore, under the Tridentine law, if the 'parochus' of the parish in whose parish neither of the parties has their domicile or quasi-domicile (S. U. I., May 2, 1877) assists at, or is delegated to assist at, the marriage, and although he is by everyone considered to be the proper 'parochus' of one or both of the parties, their marriage will nevertheless be null, due to the impediment of clandestinity (Cf. e.g., the case of Parisien, apud S. C. C., June 12, 1907). Therefore, in order to judge whether the marriage of Pasolini and Montague is valid or not, we must inquire whether the 'parochus' of S. Marcelli, who gave the delegation to

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Canonico Confalonieri, before whom the marriage was celebrated in Florencia, was truly the 'parochus' of Pasolini of the Pasolinis; that is, whether Pasolini, at the time of his marriage, had his domicile or quasi-domicile in the parish of S. Marcelli; and then whether Mildred Montague was to be considered 'vaga,' so that she could validly contract marriage before any 'parochus.' Certainly, it appears from the documents that she never lived within the boundaries of the aforementioned parish; and although the 'parochus' of S. Marcelli calls her his parishioner in the marriage book, he nevertheless admitted that he was mistaken, having been misled by R. P. Genocchi (Cf. Summarium, pages 48-49), who told him that Mildred was already living with Pasolini. In order to proceed in an orderly manner, some principles of law must be stated beforehand, which can serve to correctly judge this case, although in it, more than in law, the matter is being discussed in terms of fact. First of all, it must be noted that, with regard to marriage, domicile, or

[*Latin ed. p. 486*]

486 Acta Apostolicae Sedis. - Official Commentary. The domicile, which must be determined according to canon law, and not according to civil law, or the law of the place where a marriage is contracted (S. U. I. November 9, 1898). According to canon law, the domicile or quasi-domicile is established by residence in a parish, not in a diocese; whereas, according to civil law, it is established by residence in a municipality or commune, not in a province. The correct notion of domicile is: "Residence in a parish with the intention of remaining there permanently, unless something prevents it, even if only for a significant part of the year" (Cf. Gasparri, *De matrimonio*, vol. II, n. 1089). Quasi-domicile, on the other hand, is defined as: "Residence in a parish with the intention of remaining there at least for the "greater part of the year"" (Gasparri, *I. c.*). Whether it is a domicile or a quasi-domicile, two elements must necessarily concur: the material element, namely the fact of residence, and the formal element, namely the intention and will to remain for the period required by law; if one is lacking, then the notion of either is lost (Cf. Feye, *De imped. et de disp. matrim.* 205; and D'Annibale, vol. 1, 83, etc.). If both of these elements are present, domicile or quasi-domicile is acquired from the very beginning of the act of residence. The specific difference between the two lies in the intention or will, which, in the case of domicile, must extend to the entire period of life, or at least to a very long period, such as ten years; in the case of quasi-domicile, it is sufficient that it extend to the greater part of the year; this "greater part of the year" must not be taken mathematically; therefore, some say that only six months are sufficient to acquire a quasi-domicile; indeed, the Congregation of the Sacred Roman and Universal Inquisition in a certain case (November 9, 1898) declared that this period was indeed sufficient (Cf. Noldin, Aichner, *C. I. Eccles.* § 164). But while more is

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required in terms of intention with regard to domicile than with regard to quasi-domicile, more is required in terms of the fact of annual residence with regard to quasi-domicile than with regard to domicile: in the latter case, at least six months are required; in the former, only a few months are sufficient, e.g., three months (Cf. Gasparri, *De Matrimonio* vol. II, n. 1091, etc.). It follows that one can have two domiciles simultaneously; for how can one have the intention of remaining permanently in two places for several months of the year, and actually reside in both? This was already admitted in Roman civil law (Cf. I. 27, D. ad munie. 51-1 and I. 6, D. eiusd. tit.), and canon law, which took the notion of domicile from Roman law (V. I. 7, G. de incolis X, 39), does not treat it differently (Cf. O. II, de sepulturis). Whether one can have more than two domiciles, or two quasi-domiciles, simultaneously, is a question that is debated among authors, but it is not within our scope to define it (Cf. Gasparri, *op. cit.*; Deshayes, *Questions Pratiques sur le Mariage*, Quest. 24 and 26, pp. 36-38, etc.; Aichner, *C. I. E.* 70, § 164). It is certain, however, that one can have, simultaneously with one or two domiciles,

[*Latin ed. p. 487*]

St. Bonaventure, IV, 487, also states that a place can be considered a "quasi-domicile"; therefore, in a case where both spouses have a "quasi-domicile," their marriage can be validly celebrated before any of six parish priests (cf. Gasparri, *Opus cit.* II, n. 1089). A domicile, or a "quasi-domicile," can be necessary or legal, or free or voluntary: a necessary or legal domicile is that which must be acquired by law, either by reason of a bond with a person, or by reason of a status, etc., and it is acquired by the will of the legislator, who supplies or expresses the mind of the one acquiring the necessary domicile in the law. Those who are bound to follow a necessary domicile may also have a necessary or legal "quasi-domicile," if those whose necessary domicile they follow acquire a "quasi-domicile" in the legal sense somewhere. Both a domicile and a "quasi-domicile" can be lost immediately, and cease when the fact that requires them, as a condition, ceases, so that the law or the will of the legislator is observed. However, for a domicile to be lost in fact, a renunciation is required; otherwise, the necessary domicile would be considered to have passed into a voluntary one, and would be presumed to be retained as long as it was not established that the person had expressly or tacitly, directly or indirectly, renounced it. For example, children, as long as they are under age, enjoy the domicile and "quasi-domicile" of their father or guardian, and retain this as long as they are not of legal age, and do not renounce it (cf. Feye, *De imp. et disp. matrim.* n. 204, and S. C. Concilii in Parisien. April 16, 1902), although these children may also have their own "quasi-domicile," if, for example, they spend the greater part of the year studying at a college or university. A free or voluntary domicile, or "quasi-domicile,"

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is said to be that which one can acquire or relinquish as one pleases, and therefore it is held by those who are of legal age. For example, children, after they have reached the age of majority, even if they retain the domicile of their father or guardian, this becomes voluntary, because they have the power by law to relinquish it, or, if they prefer, to acquire another. Since, however, the same reasons that give rise to something also dissolve it, two things are required for the loss of a voluntary domicile: an act and an intention; these two, namely, the act of departure and the will or intention not to return, are cumulatively necessary (cf. Sánchez, *de Matrim.* lib. III, disp. 23, n. 2). Therefore, it is lost, not when one leaves the place where one has a domicile, but from the place from which one truly departs, not intending to return (Ex I. 27 § Gelsus ad Munie; Sánchez, *de Matr.* l\ III, 32, 2). The same can be said regarding the loss of a "quasi-domicile"; but since it is easier to acquire, it is also easier to lose; on the contrary, a domicile, once acquired, can be maintained, even if one is absent from the place of domicile for many years. To illustrate, let us hear Van de Burgt: "Neither is such a complete habitation required, that one who has acquired a complete domicile cannot, for months..."

[*Latin ed. p. 488*]

488 Acta Apostolicae Sedis. - Official Commentary. "and to be absent for years; for absence, even if prolonged for many years, does not 'extinguish domicile, provided that the person absent has not intentionally left and maintains the intention of returning," (Cf. Van de Burgt, De matrim., n. 228). The reason for this is found in the very definition of domicile that we have given; for we said that domicile is: "habitation in a parish with the intention of remaining there permanently, etc.... or for a very long time, such as ten years." Therefore, even if permanence is lacking, the essential element of domicile is not absent, provided that the intention remains; for one can be absent from a place for many years and yet retain the intention of returning and remaining there permanently. But, since the intention resides in the depths of the human heart, if someone wishes to prove in the external forum that they have acquired a domicile or quasi-domicile somewhere, they must outwardly "demonstrate their intention; and thus it is said, if someone wishes to prove that they have lost their acquired domicile or quasi-domicile. The intention can, however, be demonstrated in various ways; indeed, there are certain ways prescribed by law itself, as a presumption of the intention to acquire a domicile or quasi-domicile; against which presumption, however, proof to the contrary can be given. The intention of acquiring a domicile is inferred from: 1.° From the very fact of dwelling: thus, dwelling in the same place for ten years constitutes a presumption of the intention to remain there permanently. Similarly, for a quasi-domicile, repeated dwelling in the same place for six months, or even more, is often sufficient; indeed, Benedict XIV, in the constitution

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"Paucis abhinc," considers monthly residence to be a sufficient time to establish a presumption of law for a quasi-domicile, in relation to marriage, unless it is known that the intention to acquire a domicile did not exist; otherwise, the presumption yields to the truth. 2.° From the purpose of dwelling in a particular place, which, if, by its very nature, it is intended to be long-lasting or permanent (provided, however, that it does not involve an obligation of residence, for in that case a legal domicile is established), can demonstrate the intention, as the circumstances require, to acquire a domicile or quasi-domicile for one or the other. 3.° From the transfer of the greater part of one's assets to a place, or from the construction of a house, or from its improvement and furnishing for habitation (Cf. Innocent. XII, B. Speculatores). Hence, the Doctors say, "to have a domicile is where one establishes one's permanent chest, and the sum of one's possessions and fortune" (Cf. D'Annibale, Theol. Mor., vol. 1, § 83 et alios); or also, "to have a domicile is where one fixes one's habitation, either solely or principally" (Cf. Aichner, Comp. I. E., § 164). 4.° From the expressed will of the person dwelling, especially in words.

[*Latin ed. p. 489*]

In the matter of establishing domicile, whether actual or quasi-domicile, evidence presented at a time when there is no suspicion, or by witnesses who know the circumstances well, is admissible (Cf. Aichner, L. c.). All of these factors, which are valid for demonstrating the intention to acquire a domicile or quasi-domicile, will likewise be valid for demonstrating the loss of such a domicile. However, these indications are usually not so clear that they eliminate all doubt regarding the truth of the matter; therefore, the authors rightly state that this matter concerning clandestine impediments is more difficult than others (Cf. Deshayes, Questiones Practicae sur le Mariage); and therefore, provision has been appropriately made for the future by the decree "Ne temere" (Cf. Gasparri, De Matrim., vol. II, n. 1089, 2). Thus, in our case, when it is necessary to determine whether Pasolinus, having reached his majority, abandoned that legal domicile which, when he was still a minor, he had acquired in the parish of Saint Marcellus in the City, due to his father's residence, the question arises as to whether his father, Petrus Desiderius, actually resided there, or rather, had a quasi-domicile there. Since, as we have said above, a quasi-domicile is more easily lost than a full domicile, therefore Pasolinus's advocate, in order to more suitably and conveniently prove the nullity of that marriage, argues that Petrus Desiderius, the actor's father, did not have a true domicile, but only a quasi-domicile there. He argues this primarily on the basis of the cause or purpose for which he resided in the City. For, being honored with a senatorial dignity, he remained in the City in order to attend the meetings of the senators; but this cause does not necessarily require a permanent residence. For many senators, indeed most, do not have houses in Romae;

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they come here repeatedly, if the more important duties require it, and subsequently return to their own homes. Therefore, if all of them perform this senatorial duty, and none of them have a domicile there, it follows that the cause which kept the actor's father in Romae was not necessarily permanent, so as to establish a domicile from it. On the contrary, the Defender of the bond vigorously argues that Petrus Desiderius had a true and proper domicile in Romae, in the parish of Saint Marcellus; from which it can more easily be concluded that Pasolinus, his son, at the time of his marriage, still maintained that domicile. He attempts to prove his assertion either by the very cause for which Petrus Desiderius resided in the City, which is of a permanent or lifelong nature, such as the senatorial dignity, although it does not necessarily involve residence (for then it would establish a legal or necessary domicile); or by the fact that Petrus Desiderius established his fortune, his estate, and the center of his affairs in Romae, so that, in common parlance, it can truly be said that he resided there, just as one might say he resided in Ravenna; because there he has a house rented.

[*Latin ed. p. 490*]

490 Acta Apostolicae Sedis. - Commentarium Officiale. Here, adorned with its furnishings, here, with its servants, here, with its business, he spends the greater part of the year, and for a very long time, that is, almost twenty years, which certainly constitutes a very serious presumption of domicile. If this question, concerning the quasi-domicile of Peter Desiderius in the City, could be resolved with certainty, it would certainly appear, from the arguments which we are about to present, that Pasolinus, having reached a more advanced age, has lost this quasi-domicile, and has retained only the domicile in Ravenna. For he resided there for no more than six months in a year, during a decade; indeed, he freely accepted the burden entrusted to him by his father (namely, the administration of the family's assets), which prevented him from residing in Rome for six months, and therefore it appears that he did not intend to reside there. But, even if Peter Desiderius had acquired a full domicile in Rome, and therefore Pasolinus, when he was younger, inherited this, it has nevertheless been demonstrated, sufficiently and abundantly, that Pasolinus, having reached a more advanced age, truly abandoned this domicile, not by an act of residence, and not with the intention of residing there. This fact appears clearly from two sources, namely, from the testimony of witnesses and from the correspondence itself; and the intention from three sources: 1.° from the mandate which, when he had barely reached the age of majority, he freely accepted from his father, to administer the family assets, which are located primarily in the province of Ravenna; 2.° from the fact that he gave his name to approximately twenty societies, established for the public benefit of Ravenna or Fori Cornelii, and he attended their meetings; 3.° from his will, manifested at a time when there was no suspicion.

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Now, briefly, about each of these. The witnesses brought in for the case, concerning the residence of Pasolinus in Ravenna or Rome, are fifteen, of whom some are truly of the greatest importance. It is best to hear, above all, the parish priest and priest, who, at the time of Pasolinus's marriage, was an assistant in the care of souls in the parish of St. Dominic in the city of Ravenna, in which the Pasolinus family has its domicile, and who, according to the testimony of the Archbishop of Ravenna, is in all respects of greater age. The parish priest of St. Dominic, questioned about the residence of Count Pasolinus, replied: "The Count Pasolinus, before the marriage... habitually lived within the limits of my parish, and I know that he was absent at least during the winter season and during the bathing season." When questioned by the judge, where he spent the winter season, he replied: "I believe that he usually and preferably spent it in Rome." When questioned whether he considered Count Pasolinus to be his parishioner when he celebrated his marriage, or whether he resided elsewhere.

[*Latin ed. p. 491*]

The Reverend Father from the parish of Santa Maria, after being asked whether he considered the Count Pasolino to have a domicile or quasi-domicile, responded: "During the time of the 'marriage,' I considered the Count Pasolino to be my exclusive 'parishioner,' so much so that I was saddened to see myself excluded from the celebration of that marriage, and I thought that he might have a quasi-domicile in Rome, or that he had obtained a legitimate dispensation." When asked whether he had in any way delegated authority to assist at this marriage, he responded: "I have not sent any delegation, and I have not uttered any expression that could signify a 'delegation,' and neither, by the fact of sending the documents (namely, the 'production of attestations of the freedom of the Count Pasolino to validly and licitly contract marriage'), did I intend to tacitly delegate." When asked what he therefore thought about the validity of the marriage of Pasolino, he responded: "I formed the concept that it was valid, given what I have said, and that is, that they had a quasi-domicile in Rome, or that he was equipped with a legitimate dispensation" (Summary, pp. 24 and 25). In a similar manner, the same questions were put to the assistant priest, Michael Valgimigli. "I believe," he said, "that (Count Pasolino) until the years of puberty, was with the family; after puberty, I know that, either for reasons of study or business, he spent very little time with the family in Rome. In the year in which the marriage took place, he stayed in Rome even less than usual." When asked whether he knew the reasons why the family of Pasolino requested a delegation from the parish priest of San Marcello, in order that the marriage be celebrated in Florencia, he responded: "I do not know the precise reasons why the delegation was requested from the parish priest of San Marcello, however, I believe that the family, in order

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to expedite the marriage, put pressure on the parish priest himself, who would have given a delegation, which I consider to be invalid." When asked whether the parish priest of San Domenico had, in any way, delegated another priest to assist at the marriage, he responded: "I am certain that the parish priest of San Domenico did not give a delegation to anyone in this regard, and it was never requested, and therefore the parish priest and I were equally saddened; and he adds: "As far as I know, I have never known the parish priest to have any disposition or will to delegate, nor even the intention to add anything that might be lacking for the validity of the marriage in question" (Summary, pp. 27 and 28). The Count Peter Desiderius, the father of the plaintiff, his mother, Countess Mary Pasolini Ponti, and Guy, his brother, agree that Pasolino spent only two months each year in Rome: "For Christmas, he came with us to Rome, spending together (except for a few brief trips to Romagna) the entire months of January and February, and during the year..."

[*Latin ed. p. 492*]

492 Acta Apostolicae Sedis. - Commentarium Officiale. "He frequently made trips to Rome to visit us." Thus, the father (Summ., p. 9): "Having reached his majority, although he lived 'habitually in Ravenna,' he spent two months with us in Rome, and this situation did not change in the year of the marriage celebration." Thus, the mother (Summ., p. 13): "During his minority, he lived 'with relatives. In 1896, he was sent to study in Florence, where he stayed for 'about three years,' after which he was, 'by special authorization,' entrusted with the management of affairs in Ravenna, where he established his 'usual residence,' coming to the family 'for about two months each year,' although 'intermittently.' This situation did not change during the year of the marriage celebration." Thus, the brother (Summ., p. 12). The other five witnesses also agree, having been expressly questioned by the Judge in Rome regarding this matter, although they refer to the time that Pasolino spent in Rome each year with less precision. Thus, the priest Joseph Clementi: "Count Pasolino Pasolini, until he was 17 or 18 years old, 'always followed the fortunes of the family,' and therefore 'spent four or five months of the year in Rome.' Later, when 'he enrolled in the institute of social studies in Florence, and later, when his father entrusted him with the management of affairs in Ravenna,' he 'did not come to Rome, except for a few days on memorable occasions.' 'In the year of the marriage, things did not change'" (Summ., p. 15). Also, Father John Genocchi, priest of the Most Sacred Heart of Jesus: "Count Pasolino Pasolini, in the years immediately after 1896, was a student in Florence, and 'I rarely saw him in Rome. In the years immediately preceding the marriage, I saw him, of the approximately ten times a year that he visited the family, three or four times, and other times they told me that he was in Ravenna, where he managed his funds.'" And he continues: "The delegation to the parish priest of St. Marcello was

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requested 'at my suggestion and through my efforts. Having been assured by Count Pier Desiderio that the parish priest of the Pasolini family in Ravenna had sent the documents proving his freedom from marriage, without any delegation, I thought that this could also be obtained from the parish priest of St. Marcello; thinking at that time that Pasolino could be considered 'almost domiciled in his father's house'" (Summarium, p. 16). However, this witness became involved in some contradictions, because when questioned a second time by the Judge, "Tell me now, what were these reasons that led you to believe that Pasolino could be considered 'almost domiciled in his father's house,' and do you still believe that he had 'almost domicile' in the parish of St. Marcello at the time of the marriage?" he replied: "The 'reason that led me to the opinion that Pasolino had 'almost

[*Latin ed. p. 493*]

"In Rome, I was invited to lunch by the family, and there I always found Pasolino; not being accustomed to inquire into the private affairs of the family, I did not ask how long he remained in Rome and how long in Ravenna, and I believed that there was sufficient time here to constitute a quasi-domicile, even though I knew that he managed his father's affairs in Ravenna. I noted that I was invited about once a month. Today, however, after receiving news from the family and from people in Ravenna itself, I believe that my opinion regarding Pasolino's quasi-domicile was mistaken."

Then the Judge asked: "The undersigned, questioned by the notary of the Vicariate of Rome, on the occasion of the aforementioned marriage, swore that Count Pasolino Pasolini spent the majority of the year in Rome. Do you still maintain this opinion? Did you know this from your own knowledge, or from assurances received from the Pasolini family?"

The witness replied: "I find the summary of my response, as recorded in the acts of the Vicariate, to be inaccurate, in the sense that I did not intend to say, even then, that from 1879 onwards, Pasolino had always had his quasi-domicile in Rome. I knew well that he had been, for at least three years, a student in Florence. It is true, however, that I meant to say that Pasolino had, for some years, a domicile in Rome, together with the family."

To another question: "The former parish priest of S. Marcello states that it was you who persuaded him to consider Pasolino as domiciled in his parish, and that you even told him that the bride was his daughter."

The witness replied: "I confirm the first part. Regarding the bride, I do not recall." (Summary, p. 52).

Another witness, Vincent Morini, testified: "Count Pasolino has always had his domicile in Ravenna, but his residence was interrupted in the year when he was required to do military service; since there was no regiment stationed in Ravenna, he came to Rome. From 1898, that is, from the time

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when he was entrusted with the management of the family's assets, he has not followed the family, except for short periods of the year, during which he visited the family in Rome. This state of affairs continued during the year of the marriage." (Summary, p. 18).

The witness Vincent Moraldi testified: "Count Pasolino Pasolini resided almost always in Ravenna, to conduct the family's affairs; he made visits to the family to see his relatives. This state of affairs did not change even during the year of the marriage, indeed, his presence, for the majority of the year, was in Ravenna and in Goccolìa." (Summary, p. 19).

Finally, the witness Rodulphus Rognoni said: "It was necessary to fix (namely, Count Pasolino, having accepted a mandate from his father in 1898, to manage all family affairs)..."

[*Latin ed. p. 494*]

494 Acta Apostolicae Sedis. - Official Commentary. "He established his habitual residence in Ravenna from that time, and "continued, save for some brief interruptions of days, mainly due to business or family visits. This state of affairs lasted until the celebration of the marriage, and even afterwards" (Summ., p. 20). The witnesses from Ravenna, Ioannes Masetti, testified: "The Count Pasolino... from this time (1898) had the charge of which I am aware, and therefore, to attend to business, he resided in Ravenna almost constantly, although he sometimes spent time with his family in Rome. But even during this period of time, he made some visits to Ravenna, always for business reasons" (Summ., p. 31). Furthermore, the witnesses Dinus Bazzani and Dominic Tuffi testified (Summ., pp. 33 et 36). These three witnesses are dependent on Count Pasolino, as they provide services to him and receive payment from him. However, since they are otherwise trustworthy, their testimony is strengthened by the addition of other witnesses. Finally, the witness Angelus Zucchini testified: "Count Pasolino Pasolini, before the marriage, always lived with his family, but I know that he was a student for about three years in Florence; in the year of the marriage, he stayed in Rome for perhaps not even three months" (Summ., p. 39). Regarding the residence of the actor in the parish of St. Marcellus, Father Joseph Angelucci was also questioned, who, at the time of the marriage, was the parish priest there; but he replied that he knew nothing about Pasolino (Summ., p. 47). Thus far, regarding the witnesses. It is clearer from Pasolino's correspondence that he truly resided in Ravenna, where he received and sent letters, except for two months each year, during which he customarily went to Rome from his more advanced age. This occurred over a period of nine years, from the year 1899 to the year of the marriage, 1907; and to prove this, more than a thousand letters are presented. If letters are missing from February 24th to June 5th of the year 1900, this is because Pasolino was then serving in the military in Rome, and if letters are also missing from the end of the

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year 1905 to March 19th, 1906, this is because, when Pasolino visited his parents in Rome during the Christmas holidays, he fell ill with measles, as confirmed by the testimony of the doctors. These are the things that appear from the records, relating to Pasolino's residence in the City for almost nine years before his marriage. Regarding the fact that he did not intend to remain there permanently, more convincing evidence is presented. First, as we mentioned above, there is the very important mandate that Pasolino received from his father when he reached his majority, to administer all the family's assets: a copy of which, recognized by a notary, is found in the records (Summ., pp. 62 et 64). The family's real estate holdings are "numerous, located in part..."

[*Latin ed. p. 495*]

Saint Bonaventure wrote: "In Ravenna, partly in Foro Cornelii or elsewhere." Therefore, if Pasolini willingly and gladly accepted this charge, and if, in order to fulfill it properly and diligently, all care and attention were to be devoted to it, it must be concluded that Pasolini did not leave his domicile in Rome, not even for a single semester, but permanently; because this charge contains no clause of limitation, rescission, or time constraint. This conclusion is further confirmed by the fact that Pasolini, as we have said, had given his name to approximately twenty societies, both public and private, established in Ravenna and Foro Cornelii for the benefit of those places, and that he attended their meetings (Summ., pp. 67-69). But it is more clearly evident from certain letters which demonstrate his intention to remain permanently in Ravenna and not to establish a permanent residence in Rome. As early as the year 1900, Pasolini wrote to his father, who was living in Rome: "We are always exotic creatures at Palazzo Sciarra; we are 'plants in pots in the salons of Rome, with roots in the land of Romagna'" (Cf. letter of October 23). In the year 1901: "We always want 'to remain pilgrims in the city; Romans never'" (April 30). D'Annibale aptly notes: "He who has transferred his domicile to a place is called an inhabitant; he who is there almost as if he had a domicile, an alien; and he who is there temporarily and as if passing through, is called a pilgrim" (Cf. Th. M., p. I, c. III, n. 86). In the year 1903, Pasolini refused permission to purchase land near Rome, because: "there is no idea of living there and bringing a little of one's own life to Rome" (May 12). In the year 1907, he wrote to a certain Masetti: "I do not see myself marrying and returning with her (Mildred) to my beloved Romagna" (February 20), and so on. These, although private documents, and therefore not deserving of full legal credence, nevertheless, because they bear marks of authenticity, illuminate other testimonies and increase their credibility. As for Mildred Montague, the Reverend Fathers did not consider the assertion of the Defender of the Bond to be admissible, namely that Mildred, when, for the second time, she left America to come to Italy to contract marriage there, was a vagrant, because, being of

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a more mature age, she had then lost her own or her father's domicile and had not yet acquired a new one (namely, that of her fiancé). She did not leave her domicile in America except with the intention and condition of a future marriage, and therefore she did not truly lose her domicile until she acquired a new one through marriage. But, even if (which we do not concede) Mildred was a vagrant at the time of her marriage, it does not follow that her marriage was therefore invalid. Indeed, those who teach that every parish priest is the proper parish priest of vagrants, also teach that the parish priest who is chosen by vagrants to assist in their marriage, must assist within the boundaries of his own parish.

[*Latin ed. p. 496*]

496 Acta Apostolicae Sedis. - Official Commentary. concerning the territory, because, in this case, its jurisdiction was not personal, but territorial (Cf. Schmalzgr., IV, II, II, 163; Berardi, Pr. 5209; Lehmkuhl, II, 776, contrary to Sánchez, whose opposing opinion is absolutely rejected). However, the parish priest of St. Marcellus of the City did not attend the aforementioned marriage within the boundaries of his parish, but outside of his territory, that is, in Florencia, represented by a delegated priest. Therefore, the proper parish priest of the bride was not present, so that the marriage could not have been validly contracted. Finally, what is to be said about the testimonies given by Peter Desiderio, the father of the groom, and by Father John Genocchi before the court of His Eminence the Cardinal Vicar? We have already seen above what answer Father Genocchi gave to the judge when questioned about these matters. The father of the plaintiff, likewise questioned by the judge, responded, saying in the court of His Eminence the Cardinal Vicar, that he no longer remembered, nor could he confirm, what had been written there regarding the residence of his son. "Perhaps," he said, "being agitated at the time, "I intended to speak about myself, not about my son" (Summ., p. 50). After considering and carefully pondering all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, decide, declare, and pronounce: "that the marriage between Pasolin Pasolini and Mildred Montague is null, due to the impediment of clandestine marriage," and thus we answer the proposed question; furthermore, We decree that Pasolin Pasolini shall be held liable for all the expenses of the trial. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to order the execution of this Our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV, concerning the reform of the Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, on the 15th of May, 1911. Frederick Cattani, President. Anthony Perathoner. Joseph

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Albert. Sac. T. Tani, Notary of the Sacred Roman Rota.

[*Latin ed. p. 497*]

Saint Roman Code. 497. NULLITY OF MARRIAGE (CORDIER-NICOLLE). During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on June 23, 1911, the Most Reverend and Most Eminent Fathers Joseph Mori, Prefect, Frederick Cattani, and Joseph Alberti, Auditors of Tournon, in the case of "Cameracen. - Nullity of Marriage," concerning an appeal against the Royal judgment of August 11, 1910, in which the marriage was defended ex officio, between John Cordier, represented by his legitimate procurator, Advocate Joachim Antonelli Cöstaggini, and Mary Nicolle, who, duly summoned, declared that she submitted to the justice of the Tribunal, and in which the defender of the aforementioned marriage participated and argued, rendered the following final judgment. In the year 1903, towards the end of November, John Cordier, residing in the city of Lille, in France, and working as a merchant, through the agency of his friend, Julius Verschave, had the opportunity to visit and converse with the young woman, Mary Aloisia Nicolle, at the home of a relative of hers, Miss Warrein-Nicolle. The young woman's father, Victor Nicolle, lived with his family in the town of Saint-Audomar, commonly known as Saint-Omer, and operated a leatherworking business. John, captivated by the young woman's charm, requested and was soon granted permission to visit her family. However, during these visits, he immediately noticed an unpleasant and foul odor emanating from her body, although intermittently and not always with the same intensity. Concerned by this, John, who intended to marry her, first spoke to his mother, then to his friends, and especially to his friend, the doctor, Huyghe, from whom he learned that the unpleasant odor could originate from various causes, and sometimes even from a nasal disease commonly called ozaena, which could disturb conjugal life, and ultimately, in the worst case, lead to a dangerous and contagious disease for any children born from the marriage. Deeply troubled by this information, John resolved not to marry if his fiancée did not appear to be free from such a calamity: "If there is such a 'story,' I don't want to know anything about it, I will not marry." Therefore, he moved every stone to uncover the truth regarding this serious matter; he sought the help of Dr. Julius Carpentier of the town of Aubers, whom he consulted, but this doctor, after examining a photographic image of the fiancée, could not find any indication of the disease. Furthermore, he asked Julius Verschave to...

[*Latin ed. p. 498*]

498 Acta Apostolicae Sedis. - Commentarium Officiale. To instruct the family of Nicolle regarding the doubts that had arisen, the aforementioned

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aunt Warrein offered her services, but she refused. Meanwhile, as the time for the marriage celebration approached, that is, on April 26, 1904, John, burdened by anxieties, again, through a letter, requested his friend Verschave, who was acquainted with the family of Nicolle, to intercede with the family to allow the bride to undergo a medical examination. "I," he wrote, "submit myself in advance to the opinion that will be expressed by the 'doctor,' and I express the most fervent wishes that the result may dispel the apprehension that invades me at this moment, and of which I suffer so much." Verschave, unable to speak with Doctor Bachelet, the family physician of Nicolle, directed John's letter to him, deeply moved by John's anxieties. Doctor Bachelet, in his written response, declared that Mary and the entire family of Nicolle enjoyed excellent health, and that the unpleasant odor was probably derived from a nearby tannery. This declaration did not allay John's fears, and indeed, on April 21st, during the signing of the marriage contract at the home of the Nicolle family, he again perceived the same foul odor emanating from the bride's body. Therefore, deeply distressed and troubled by this, and having returned to his own home, he clearly expressed his determination to his mother and his uncle, Emile Cordonnier, that he would not marry if the bride were afflicted with a disease. At that time, the plan was to resolve the matter through medical expertise. John's mother, along with the servant Lamerre, approached the family of Nicolle and made known their resolution. The bride's father, opposing the postponement of the marriage, agreed to the proposed examination, and, having obtained a preliminary letter of recommendation from Doctor Bachelet to Doctor Lavrand, a professor at the Theological College in Toulouse, they immediately went to him. Mary Nicolle and her father, along with John's mother and the aforementioned servant, went there. After a brief conversation with the bride's father, and after introducing the others, namely John's mother and the bride, the doctor briefly examined the bride's nose and declared that the symptoms of a nasal disease did not appear, and that the unpleasant odor was likely due to another cause: "after which he concluded that 'the odor in question had no importance and was probably 'due to the absorption of an egg that Miss Nicolle took every 'morning in her bed.'" Having read and understood Doctor Lavrand's declaration, the groom, John Cordier, seemed to have resolved his doubts about the disease in his bride, as can be easily seen from the following words: "All is well, since 'there is nothing." However, this relief was only momentary, and three days before the marriage, the fears that had been dormant again appeared.

[*Latin ed. p. 499*]

On the 499th day, and despite the unwillingness to marry Mary, should she be afflicted with a foul disease, the intention to proceed with the marriage remained until the day of the marriage celebration. Notwithstand-

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ing this doubt, the marriage was duly celebrated on April 26th, as had been planned, and it soon became apparent that the fears of John Gordier were not unfounded. The newlyweds began their marital journey; however, the ingratitude and foul odor emanating from Mary's body or nostrils so affected and depressed the husband that he was forced to return home, sending a message for further examination. The husband returned to the city of Insulars on May 15th, and on the following day, he again visited and questioned Doctor Lavrand, who, after a thorough examination, declared that a certain lesion was found in the woman's nose, and described several medical prescriptions for the cure of the disease, which, when shown to Doctor Huyghe, he stated would serve to cure the disease of ozena; nevertheless, he advised consulting Doctor Valentin. The husband then visited this doctor, who, after a thorough examination, reported that the woman's condition was serious and harmful, even to the child that might be born from the marriage; however, he subsequently refused to testify either about the disease or its nature, invoking the law of professional secrecy in his favor. After these and other examinations, and also having become more certain through his own experience of the existence of the foul odor arising from the aforementioned cause, after just under two months from the celebration of the marriage, or in the beginning of June, John proceeded to separate from his wife, and it was determined that conjugal life and cohabitation between them had become virtually impossible. On October 15th, he notified his wife, who had gone to her parents' home for treatment, of the dissolution of their common life by letter. Mary, in turn, definitively bid farewell to her husband, and on February 23, 1905, obtained a divorce through a civil court judgment, in contempt of Church law. On his part, John, anxious about the disastrous outcome of the marriage, and considering that no valid consent had been given due to the non-existence of the condition to which he had been previously bound before the celebration of the marriage, on February 18, 1907, he presented a petition before the ecclesiastical court of Cambray, requesting the annulment of the marriage contract, which, after all legal proceedings were completed, issued a favorable judgment to the plaintiff on November 21, 1908. The decision being challenged by the defender of the marriage bond ex officio, the case was appealed to the Holy Roman Tribunal; and on June 19, 1909, the following question was proposed, using the customary formula of doubt: "Does it appear..."

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning the nullity of marriage in a particular case, the response to Ioannes was, namely, "Negative." Not agreeing with this resolution, the matter was appealed and passed to the second turn, or immediately subsequent, and a new or supplementary process was instituted. The case, together with

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new documents, was brought before the tribunal on August 11, 1910, under the formula of inquiry: "Whether the Royal judgment in this case should be confirmed or annulled," and the response was: "The Royal judgment in this case should be annulled." Today, the debate is renewed at the request of the defender of the bond, who, not adhering to the latest decision, has appealed to the third turn, and thus a new discussion of the case returns under the following doubt: "Whether the Royal judgment of August 11, 1910, should be confirmed or annulled in this case." As for the facts, the Reverend Fathers first noted that Mariam Nicolle had been affected by the disease of dropsy, and indeed, even before the celebration of the marriage. In this matter, according to the principle "quicquid medici est, tractant medici," one must rely on experts in the art and give credence to their testimonies, as is stated in c. significasti de homic. and cap. Proposuisti, even if the reasons are not given, because, as the Rota stated in Faventina Mat. before Seraphino on February 1, 1505, no. 5, "they are rather judges and arbitrators than witnesses." Indeed, seven doctors testify in their testimonies, which the patron of Ioannes presents in his allegations, that Mariam was suffering from and had suffered from dropsy before the beginning of the marriage, and that these testimonies are particularly worthy of attention is shown by the testimonies written in the second summary. These cannot be overturned by the contrary declarations of the doctors Valentin, Bachelet, and Lermoyex. For the testimony of Doctor Valentin is rather negative; for although he visited Mariam not once, he nevertheless refused to give testimony about her state of health, excusing himself by the obligation of professional secrecy. But if that is the case, why was Maria Nicolle and her family not released from this obligation? Doctor Bachelet, besides being the family doctor of the Nicolle family, was also bound by the same law, and it appears that she did not conduct any special medical investigation; therefore, her declaration is not of great importance. Doctor Lermoyez states that a foul odor came from Maria, originating from her mouth and from teeth affected by caries; but the medical prescriptions applied to the nostrils, or reveal the presence of dropsy, as the expert doctors consulted, Homaide, Capelle, and Potet, intend, or, at the very least, cannot positively exclude such a disease, since it is of such a nature that its symptoms do not always appear continuously, and they can easily be concealed and hidden with the use of appropriate remedies.

[*Latin ed. p. 501*]

Saint Romanus Botta. 501. The physician Lavrand appeared to have been mistaken, for after the initial superficial examination, and perhaps deceived by the conversation with Mary's father, he declared her free from the disease of ozaena, as the physician Huyghe testified under oath: "To my great astonishment, I noted that treatment for 'this affliction' (that

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is, ozaena) had been prescribed to the young woman." Therefore, in the initial judgment of the Rotali court, the declarations of the doctors Valentin, Bachelet, and Lermoyez were improperly invoked to exclude the presence of ozaena in Mary Nicolle, and it was also wrongly stated that the two expert opinions of Doctor Lavrand were contradictory and therefore proved nothing. However, the doctor refuted this criticism in a second examination to which he was subjected by the judge: "As I am today, I was very certain: I declared, 'There is no longer any room for doubt: we were dealing with ozaena.'" "Regarding the accusation of contradiction, it is false: 'In both examinations, my conclusions were consistent with the symptoms observed. Since these symptoms were different, my conclusions were, and could only be, different.'" Furthermore, the Right Fathers noted that in the supplementary process, which was instituted at the mandate of this Holy Tribunal, the court of Cambray appointed a more experienced physician, to whom the records and expert opinions of both processes were submitted in order to determine the existence of the disputed disease. However, this physician, namely Francis Guermonprez, in his sworn statement, added: "In the concrete case on which the court is called to pronounce, ozaena existed, this is certain, and according to the documents of the case, this ozaena was of a type that is incurable... and it can be stated categorically that Miss Mary Nicolle was afflicted with ozaena several years before her marriage." Moreover, the weight that such expert opinions hold is clearly demonstrated by Marscard, De probat., conclus. 1038, n. 32: "When among several, a most skilled expert is publicly chosen, then only his opinion is to be believed," as stated by Bar. in I. 1, with reference to C. de pond. et am., lib. 10, and when he is appointed for this purpose, he is considered an official and his opinion must be believed in matters pertaining to his office." Therefore, Cardinal De Luca, in Dis. 33 de iudiciis, considers them as assessors and advisors to the judge. Therefore, based on the foregoing, the Right Fathers concluded that it is fully established that Mary Nicolle suffered from the disease of ozaena even before the celebration of her marriage, as was also stated in the appealed judgment. Secondly, the Right Fathers, after examining the records of the process, also found that John had stipulated the exemption of his fiancée from the aforementioned disease as a condition sine qua non for the celebration of the marriage. This, without the sworn declaration of the plaintiff himself, is evidenced by several other testimonies. First, it is evident from the testimony of the doctor...

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis. - Official Commentary. Huyghe, who had shown John the grievous consequences that could arise from such a disease in his fiancée, reports that John exclaimed the following words: "If there is such a story, I do not want to know anything about it, I will not

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marry." This is evident from the testimony of Julian Verschave, to whom John stated, shortly after the fiancée's first examination by Doctor Lavrand, "I want to be sure, because if she is sick, I will not marry her." The same was repeated by the servant Lamerre: "I heard Monsieur say to his mother and to me himself that he 'would not marry Miss Nicolle if she had the vapors, and that he would only marry her on the condition that she did not have them.'" This is confirmed by the testimony of the bride herself, Nicolle, who recounts that John said to her after the first examination by Doctor Lavrand: "Everything is fine, since there is nothing." These words also imply a contrary meaning, namely that if the disease were present, John would not enter into marriage. Furthermore, the Fathers argued that the imposition of the condition can be inferred from the manner and method in which John proceeded in the conclusion of the marriage. He did not hesitate to question Doctor Huyghe on several occasions about the nature and cause of the foul odor emanating from his future wife. He also repeatedly urged his friend Verschave to obtain an explanation from the Nicolle family, through his sister-in-law, Madame Warrein. On several occasions, he expressed his fears and anxieties to his mother, either to Doctor Julius Carpentier or on April 21st, when he and his mother visited the Nicolle family to sign the marriage agreement; on this occasion, he or his uncle Cordonnier made it clear that he did not want to marry if his fiancée was afflicted with the vapors. These circumstances sufficiently indicate that the fiancée's exemption from the disease was a substantial matter; it is so clear that, in order to avoid the anxieties that arose, it was decided to subject the bride, Marie, to a medical examination by Doctor Lavrand, as indeed happened.

• The Fathers could not accept what the defender of the marriage argued, namely that the diligence employed by John in imposing the condition did not actually take place, but merely remained in the realm of inquiry, and therefore constituted a consent given purely on the basis of the completed investigations and expert opinions. This difficulty is easily overcome by the following observation: John was not prevented from following this course of action; rather, he actually adopted a more cautious and prudent approach, requiring the aforementioned exemption from the disease as a condition sine qua non. In this case, the question is of the will and how it was expressed, as has been seen above. The defender refers to a certain decision issued in a case in Romana, concerning the Nullity of Marriage, which was heard before me at the beginning of this year. But the case is entirely...

[*Latin ed. p. 503*]

S. Montana Rota. 503 diverse: for therein it was not established that there was an express imposition of a condition; it suffices to transcribe the very words of the sentence: "Let the beginning be from the 'first Chapter, in

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which the party to the contract alleges the imposition of an express condition concerning the virginity and integrity of his bride. This is not the case." On the contrary, in the present case, from the testimonies adduced above, it clearly appears that the imposition of a condition concerning the absence of the disease in the bride was openly established. Furthermore, the Reverend Fathers could not accept the other objection raised by the defender of the marriage, arguing that the condition added was concerned with proving, through a medical certificate, that his bride was free from the aforementioned disease, which condition he said was purified and verified by the completed first examination of Doctor Lavrand. The defender of the marriage bases his argument on the following words, which are read in the introductory document presented by the plaintiff before the Court of Cambray: "I declared to my mother that I would never 'marry in this uncertainty, that I was determined to break off the engagement if one did not prove to me, by a medical examination, that the disease did not exist in Miss Nicolle.'" The defender of the marriage did not properly distinguish between the means and the end that the plaintiff proposed. John intended the bride's freedom from the disease as a condition, and one of the means to ascertain this was a medical examination. Furthermore, that the condition imposed did not consist in the aforementioned medical examination, besides what has already been stated from which the nature of the imposed condition is deduced, is also evident from other words in the aforementioned introductory document: "But considering that it results from my express declarations made prior to the marriage, and from the actions taken and the medical examination required and undergone, that I did not consent to marry Miss Nicolle except on the condition that she was not afflicted with the disease," Therefore, the medical examination was a means to verify the existence or non-existence of the imposed condition, not the end itself. Nor could the censure raised by the defender of the marriage against the judges of the appealed sentence be accepted, as if they had changed the object of the dispute by asserting that the object of the condition was not the specific disease of ozene, but rather, in general, a disease causing a foul odor. In truth, it was the actual disease of ozene that was discovered after the marriage was celebrated: before the marriage, the nature of the disease was unknown. Doctor Huyghe had informed John that diseases causing a foul odor from the nose could be serious, indicating grave consequences, and he pronounced the name "ozene": and he replied: "If 'there is such a thing, I do not want to know anything about it, I will not marry'"; and elsewhere, speaking to Verschave, John said: "if she is sick, I will 'not marry.'" John did not know the nature of the disease, but only perceived its effects; therefore, the condition imposed was understood only

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in that sense.

[*Latin ed. p. 504*]

504 Acta Apostolicae Sedis. - Commentarium Officiale. it was said to be caused by a disease of that kind: and if he subsequently forbade the marriage, it was because he had learned this word from Doctor Huyghe. Therefore, the object of the condition should not only be said to have been changed, but rather directed to the consequences of the disease, inasmuch as he referred primarily to the harmful effect of the foul odor, which, just as it could come from the disease of ozene, so too could it come from another serious illness. But since it is not sufficient for the condition to have been imposed, but it is further required that it at least virtually persist until the celebration of the marriage, the Most Reverend Fathers, discussing this point of the question, could not exclude such persistence: indeed, the condition, having been set by John, after the first visit of Doctor Lavrand, was either not revoked, or if it is said to have been retracted, it immediately returned and virtually persisted. Certainly, the cessation of the conditioned will appears first from the testimony of Doctor Huyghe, as will be explained below. John was seen to rest somewhat after the Lavrandian examination, as appears from the testimony of his fiancée: "I saw and it is certain that the certificate 'attested also my immunity, he tore it up immediately, saying: 'Everything is well, since there is nothing.'" This expression of John does not indicate a change of will, but rather a mistaken persuasion of the absence of the disease: "since there is nothing," whereas, on the contrary, the disease was actually present. A change of will would have occurred if, despite the contrary evidence of the doctor's attestation, John had nevertheless been able to marry. But even if it is admitted for a short time, or even if it is pleasing to consider this acquiescence of the mind and the expressed words to import a change of will, nothing can be of benefit in this case, because the acquiescence of the mind was temporary and brief, and the conditioned will was again aroused and virtually persisted until the celebration of the marriage. Suddenly, the anxieties that seemed to have subsided arose again: and Doctor Huyghe took care to dispel these, as he recounts here: "The treating physicians said, 'You must not worry, there is nothing,'" but he, on the contrary, anxiously replied: "and 'he told me to say: 'even so, if there is ozene, I will not marry,'" and he persevered in this will, even as he was going to Saint Audomar to celebrate the wedding: "He repeated it until the departure for Saint Omer: 'even so, if there is ozene, I will not marry.'" This perseverance of will is confirmed by the very servant, Blanca Lamerre, who recalls John's doubts: "Even the day before the marriage," she said, "he was 'wondering if the doctor had said the truth when he had declared that 'there was no ozene,'" and then she adds: "Being at the table, he said in front of me, 'that if he knew that Miss

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Nicolle had ozene, he would not marry her.'"

[*Latin ed. p. 505*]

The Roman Rota. 505. The same perseverance of will and the hesitations before the celebration of the marriage are also confirmed by the testimonies of Verschave and Brisse. The first witness said: "My conviction is that this disposition of mind continued after the consultation with Lavrand," and the witness Aemilius Brisse, present on the day of the marriage, testified as follows: "From his attitude and his conversation, it was clear to me that he was still hesitating, so much so that I said to him: 'You have made us come here: are you marrying, yes or no?'" Furthermore, since it is established that John's will was conditioned, as has been seen above, this is not presumed to have been changed or revoked, unless it is demonstrated to the contrary, as Pitonius teaches, *Discip. eccles.*, 52, and the law itself provides "that whoever has once willed or not willed something, is always understood to will or not will it thereafter, unless his will is retracted," chapter. Those who claim that the will has been changed must prove it; otherwise, the contrary is presumed. Because the will is always considered to endure, unless a change appears. Roman Rota, decree 219, before Mohedano and confirmed by D'Annibale, *Summa Theologica Moralis*, v. 1, § 133. In the present controversy, however, it cannot be proven with positive arguments that John retracted his conditioned will. Therefore, the presumption is in favor of its persistence. The defender of the marriage argues that the condition imposed was revoked, and therefore the consent was absolute, citing the words of the first deposition of the plaintiff: "It was in this way that I was reassured, that I was led to marry even so," and especially from the last words, which demonstrate a withdrawal from the condition, giving the explanation: "notwithstanding the fear of the disease, notwithstanding the stipulation not to take Mary if he were afflicted with that disease." He also invokes the case recently alleged before the Roman Rota, in which it was held that the condition ceased from the words of the plaintiff: "Assured in this way (by the oath given by the bride) that this absolute condition existed (in the present case, by the medical opinion of Doctor Lavrand), I accepted it without demanding in the act of the celebration of the marriage the repetition of the oath itself." But with regard to the alleged reason, the comparison is denied. In the Roman case, there were other elements present, so that it results that they could destroy the hypothetical condition imposed, provided that it did not appear to have virtually persisted, or to have been reiterated before the celebration of the marriage; indeed, events occurred after the oath was given that openly demonstrated a withdrawal from a condition that was not proven, but only presumed or hypothetical. Therefore, it was rightly concluded that the condition had ceased in fact. But the situation is different in the present controversy. *Acta*, vol. III, n.

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13, 30-9-911. 35.

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis. - Commentarium Officiale. The state of mind in which John found himself before the celebration of the marriage, the words spoken by him after the first visit of Doctor Lavrand before his friends, and especially before Doctor Huyghe and the servant Lamerre, about which the aforementioned testimonies speak, either indicate a renewed conditional will, or, at the very least, demonstrate perseverance in that condition. Therefore, if the following words are found in the appealed and impugned sentence: "Hence, having relinquished the actual intention or purpose of not entering into the contract except under a certain condition, a virtual intention followed," they must be understood in such a way that only the actual intention ceased due to the completed examination: "Tout est bien, puisque il n'y a rien" (All is well, since there is nothing); but the virtual intention, into which the actual intention was converted, did not cease, and it persisted until the marriage contract. This explanation is to be held even more strongly, because it perfectly aligns with the interpretation expressed by the plaintiff himself in his second deposition. It is helpful here to refer to it at length: "Concerning what has been called my contradictions regarding my anxieties that have disappeared, I will explain the meaning of my words. - It is thus that I was assured; that I was led to marry even so. - My judgment turned towards the thought that probably there was no ozene. But without changing anything of my conditional will, I told myself with satisfaction that probably the condition would not exist. Therefore, I was led, as I said, to marry even so, not by a modification of my will, which would have become absolute, but by an error of my judgment, misled by the indications of the doctors." Thus, it can be said that the actual intention ceased due to an error caused by medical expertise, but the virtual intention persevered or remained, acting from the impulse given by the actual intention. Furthermore, in the case of Bomana, it was observed that an error could not be invoked, because it was not established that there was a condition of integrity in the bride. But the situation is different in the present case. Since the immunity from the disease of ozene in the bride was presented by the plaintiff as a condition sine qua non, and since, due to the examination by Doctor Lavrand, John was led into error regarding this quality, which, having been presented as a condition, had a substantial effect, and therefore the given consent was rendered invalid, since the required quality was not present. Finally, the Reverend Fathers also argue from the subsequent events that a conditional will can be inferred. For, doubts about the health of Maria Nicolle and the intention of not taking her as a bride if she suffered from a venereal disease, persisted until the day when the separation between the spouses

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occurred: thus, the friend Verschave testified that John had told him that -

[*Latin ed. p. 507*]

The Roman Rota, case 507, during the marriage journey: "In Switzerland, facing misfortune, he had considered 'suicide,' and that a prayer to the Virgin had dissuaded him." Due to the fear of the existence of a disease, the marriage journey was interrupted, and the bride was subsequently examined by several physicians, who confirm this matter as follows: "Things immediately went wrong; the wedding journey was interrupted under the pretext of returning to Lille to have me treated 'because of the odor, which he claimed to have noticed again.'" The bride's mother implicitly confesses the same when, speaking of the marriage contract, she adds: "It never worked." Therefore, whether antecedent, concomitant, or consequent conditions are considered in relation to the marriage, there is no doubt about the condition that was expressly stipulated for its celebration; and consequently, when this condition is lacking, the marriage must be considered null and void, as was declared in the judgment of the second instance. The Fathers of Roman Law had this in mind. A condition is a circumstance added to an act upon which the act itself depends. Card. D'Annibale, *Summula Theol. Mor.*, vol. 1, no. 41. Conditions properly so-called are those that refer to the future. It is prohibited to contract marriage through words in the present tense under a condition of the future, which is honest and possible; but if a marriage is contracted in this way, it may be asked whether, once the condition is fulfilled, a new consent is required so that it is considered as betrothal, or rather, whether it becomes a pure marriage without new consent, on which question see Sánchez, *De matr.*, book 5, section 8, and this second opinion is the most accepted, as Fagnan states in *c. Super de apposiL condit.*, who adds this opinion: "It is observed in the Curia even after the Council of Trent, and therefore there is no reason to deviate from it in advising and judging." Other conditions, whether of the present or past, are improperly called conditions because they do not suspend the value of the act. "Therefore," as Pirhing says in *Ius can.*, Book 4, title 4, § 2, "a marriage contracted 'under a condition related to the present or past time is not suspended or vitiated, but is immediately valid if the condition is or has been fulfilled, and is not valid if it does not exist.'" However, Card. Gasparri rightly points out in *De matr.*, no. 1022, "As long as it is unknown whether the condition exists or not, it is forbidden to proceed with the marriage, because the spouses would expose themselves to the danger of fornication." Secondly, it is forbidden to impose conditions during the celebration of the marriage, even if they are of the past or present, as Gury notes, citing Ballerini, vol. 2, no. 751, because of the many and serious inconveniences that can result from contracting marriage in this way, and also because of the reverence due to the sacrament. However, if necessity demands, then

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recourse must be had to...

[*Latin ed. p. 508*]

508 Acta Apostolicae Sedis. - Commentarium Officiale. The Bishop's license, as prescribed in the Austrian Instruction for marriages § 55, and as stated by Aichner, Compendium Juris Canonici, page 608. Thirdly, "all admit," as Cardinal Gasparri states, I. c, n. 1023, "that marriage is null if a condition was actual, that is, imposed in the very act of marriage, and then it appears that it does not exist." But this case rarely occurs due to the prohibition mentioned above. Hence, the cited Gasparri continues: "We affirm this as certain if the condition was only virtual, that is, when in the act of marriage, not a word was spoken about it, but it was previously stipulated and not revoked." Certainly, if it is proven that a condition was imposed beforehand without which the marriage could not take place, and that it was not revoked, and that in fact it was lacking before the celebration of the marriage, the marriage is null; but, according to the cited Austrian Instruction § 55, such proof is usually very difficult. According to the alleged Austrian Instruction § 55: "Conditions which are not expressed in the declaration of consent are considered as not having been imposed." But this is only a presumption of the law and therefore does not exclude contrary proof. "Therefore," notes Aichner, I. c, "it must be considered whether so much time has passed between the imposition of the condition and the celebration of the marriage that the parties should be considered to have renounced the condition." Since the imposition of a quality as a condition depends on the will of the contracting parties, the authors discuss the nature of this intention. Reiffenstuel, Lib. 4, tit. 1, n. 346, states: "In order for the lack of such a quality to render the marriage null, it is required that one of the contracting parties have such a will; namely, that either at the time of contracting, he actually have it, or at least he have the intention beforehand of not contracting unless he has this quality, and that he has not revoked it by the act of contracting, but rather retains it, either actually or virtually." As Bonacina states in his Theologia Moralis, de Sacramento in genere, dis. 1, q. 2: "Intention is an act of the free will directed towards an end... Hence, it is clear that intention and attention are not the same thing: for attention is an act of the intellect considering what a person is doing. Intention, on the other hand, is an act of the will by which a person determines himself to do something." The authors usually divide intention implicitly into actual, virtual, and habitual. This threefold species of intention is concisely described by D'Annibale, in the aforementioned work, vol. 1, n. 135: "There are three kinds of intention: actual, habitual, virtual: namely, an intention without any attention (which is an act of the intellect) cannot be understood: for one cannot will what he does not even

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understand."

[*Latin ed. p. 509*]

St. Bonaventure, Dist. 5, cap. 509: "To what does it pertain? Therefore, the actual intention is that to which attention is constantly present; the habitual intention, on the other hand, has no such attention whatsoever; the virtual intention lies between the two; for it is that to which attention is present only at the very beginning of an action, and afterwards, because the mind turns to other things, it is absent; therefore, at the beginning it is actual, and afterwards it becomes habitual, unless, of course, all attention is entirely absent from it, which is difficult. And the actual intention is rightly said to be the true beginning of a human act, and it is clear; also, the virtual intention, because it truly originates from the beginning of the act, and afterwards, following the intention that preceded it, as it were by impulse and force." From this, it is clear that there is a great difference between the habitual intention and the virtual intention: both agree in this, that the intention was actual in the preceding act and was not formally revoked, but the habitual intention remains in the habit, neither directly nor indirectly indicating anything; on the contrary, the virtual intention still perseveres by the impulse and force of the prior intention. "In this," says Ferraris, "Bibl., can. V, Intentio, "the habitual intention and the virtual intention differ from each other, because the habitual intention requires only two things: first, that a previous actual intention existed, and second, that such an intention was not revoked. But the virtual intention requires something third in addition to these two, namely, some inherent power, virtue, or efficacy indicating and moving towards the present action." Hence, as D'Annibale says, I. c., "the habitual intention, in things done, does not even have the name of intention, because what is done with this intention is accomplished more by the force of habit than by the will." Sometimes error can be joined with intention: but since there is no agreement among those who are mistaken regarding that in which they are mistaken, hence error cannot revoke an intention once expressed. If Titus intends not to eat meat on a fasting day, and, through error, eats it on a day which he falsely believes is not a fasting day, such an act is certainly involuntary with regard to the violation of the law of abstinence: could it perhaps be argued that, from this fact, Titus retracted the will not to eat meat on a fasting day? With these principles established, the Roman Fathers rightly maintained that, in the case of John, the repeatedly expressed will not to marry Mary Nicolle unless she was free from the disease of ozaena, after the first erroneous consultation with the doctor Lavrand, was not changed, but rather persevered virtually until the celebration of the marriage. This is clearly evident from the state of John's mind, and from his expressions often manifested after that examination. Thus, the witness Verschave, in his second deposition, said: "My conviction is that this state of mind continued

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even after the consultation with Lavrand," drawing this conclusion from the following fact: "I therefore saw Jean Cordier the next day. I naturally reproached him for..."

[*Latin ed. p. 510*]

510 Acta Apostolicae Sedis. - Commentarium Officiale. "He disturbed the Nicolle family and imposed a very burdensome procedure upon them, whereas, according to the doctor himself, there was no need for it. To this, Cordier replied: "It is possible that the doctor said that, but in any case, I certainly sensed the odor." And I add that from the entire conversation, it resulted that the absence of the flux was an essential condition of his marriage and a constant concern." The same is testified to by the priest Boisleur, who celebrated the marriage. Asked by the judge whether he knew that John had persevered in the established condition until the celebration of the marriage, he replied: "I believe that it was so," deducing this from John's distress, especially on the day of the wedding: "John, during the first visit he made to me after his marriage, never varied in saying that he had only wanted to marry Mary Nicolle if she was free from the flux, and that if the marriage had taken place, it was because the Nicolle family had deceived him on this point, having made him believe that there was no flux." Vincent Cordonnier states: "Jean Cordier would never have married Mary Nicolle if Monsieur le docteur Lavrand had not declared her to be free from the flux." Doctor Huyghe reports: "After the visit to Doctor Lavrand, Cordier came to see me and said to me: "It's still strange, they didn't find any flux. If there isn't any, that's all the better." The error in the case induced by the expertise of Lavrand had not been able to change John's will regarding the established condition, which remained until the day of the marriage. Therefore, the witness, priest Bailleux, testified the following words that John said: "In your case, you may also be able to claim the error, because you were not deceived only about the condition, but after the visit to Doctor Lavrand, you were deceived in a substantial way." On this matter, Sánchez, De matr., book 7, chapter 18, paragraph 21, states: "However, I will concede this, if the quality in which one errs is imposed by means of a condition in the very contract, when, namely, the marriage is entered into, either expressed in words, or retained in the mind of the contracting party, the marriage is invalid; as if the contracting party had that intention, I consider it to be so, whether she is rich or noble: then, if that quality is lacking, the condition fails, and consequently, the consent given under that condition is invalid, and thus the marriage is null. It is necessary, however, that that intention of imposing such a condition be actual or virtual, namely, that the contracting party has that intention actually or virtually, as she had it before, and that it has not been revoked by a contrary act. For this intention, just as it suffices to constitute the marriage if it is affirmative, so it suffices to dissolve it when it is negative. A habitual

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intention is not sufficient: therefore, the marriage would be valid, even if she were in a disposition to abstain from marriage."

[*Latin ed. p. 511*]

The Roman Rota. 511 "In such a case, if one knew that the woman was either corrupted or of low birth, just as a habitual intention, when affirmative, is not sufficient for a true marriage where there is present an error concerning the person or condition, which are impediments; so also it is not sufficient to invalidate it when it is negative, provided that there is present only an error concerning a quality, which scarcely invalidates the marriage." Nor, as has been observed above, would the conclusion be different, if it were admitted for a time that the will of John had been changed concerning the already established condition, as is alleged on the contrary. Indeed, this change or retraction would have occurred in the briefest of times: for John, considering the most serious consequences deriving from the illness, and pressed by doubts, immediately reiterated the already established condition in express words, notwithstanding the contrary opinion of Doctor Lavrand, which he had expressed in his expertise. Doctor Huyghe testified concerning John after the aforementioned examination: "He was always haunted by what I had told him about the illness, and he seemed to retain a real doubt, and he repeated to me until the departure for St. Orner: 'Nevertheless, if there is any ozene, I will not marry.' The maid Lamerre testified in her first deposition as follows: 'Before the marriage, I heard Mr. Gordier say to his mother and to me that he would not marry Miss Nicolle if she had ozene, and that he was marrying her only on the condition that she did not have it.'" She confirms the same more forcefully and clearly in her second deposition: when the judge asked her: "Do you know if, before and after the examination of Madame Marie Nicolle by Doctor Lavrand, Jean Gordier manifested in any way that he maintained as a *sine qua non* condition of his consent that Marie Nicolle would not have ozene?" she replied: "Yes, he always said it; even the day before the marriage, he was asking if the doctor had said the truth when he declared that there was no ozene. He expressed this concern before his mother and before me, weeping at the moment of departure." Nor can this declaration of Blanche Lamerre be said to contradict another testimony given in the first deposition, and upon which the judgment of the first instance was also based, indicating a change of will: "For me, Jean married, truly convinced that the illness did not exist. Otherwise, he would not have married." Indeed, this acquiescence was not entirely complete, as indicated by other words previously stated by the witness: "Jean was obviously more content after the consultation than before, but his concerns continued always." Hence, secondly, it followed that he could not send a second message concerning the condition already

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stated.

[*Latin ed. p. 512*]

512 Acta Apostolicae Sedis. - Official Commentary. Therefore, justly, the appellate judgment corrected the judgment of the first instance, declaring that John had never withdrawn from the condition he had imposed. Furthermore, the Roman Fathers did not deem it proper to consider the censure raised by the defender of the bond against the judges of the appellate judgment, since they had, in fact, based their judgment on the declaration made by the plaintiff in court, affirming that he had only conceived the condition mentally during the act of celebrating the marriage, and therefore had done nothing. This, however, amounts to nothing: certainly, the plaintiff could not express the condition he had in mind during the act of marriage, because the celebration of the marriage was forbidden under such conditions. Therefore, when the plaintiff said: "This condition remained in my mind," he intended to declare that he had persevered, even during the act of marriage, in the will that he had already expressed. Therefore, to the question of another judge: "Did you impose the condition before the marriage?" he replied: "I formulated, I even expressed outwardly my firm will to marry Miss Nicolle only on the condition..." Furthermore, another accusation raised by the defender against the same judges is irrelevant, concerning the fact that these judges seem to confuse the interpretative will with the habitual will in the following passage of the appellate judgment: "The interpretative will, to which no movement towards the end is attributed, is reduced to the habitual will, as D'Annibale..." But the answer is clear: the judges understand this not in a logical sense, but only effectively, or rather, with regard to its influence on the practical act, as can be seen from the following passage: "And justly and rightly," of the same judgment. Indeed, according to D'Annibale, cited above, the interpretative will "is nothing, and therefore accomplishes nothing," and the habitual will, or habitual intention, "in matters of action does not even deserve the name of intention." Therefore, Gury, in the work cited above, volume I, on acts, chapter 2, article 1, speaking of the habitual will, states that it is "that which, although it was once a habit and has not been retracted, now neither directly nor reflexly influences the will or the act." Therefore, in general, it can be asserted that the interpretative will and the habitual will are confused as regards their influence on actions, although they can be distinguished logically. Having considered all of this in fact and in law, invoking the name of Christ, we, the undersigned Auditors sitting for the tribunal and having only God before our eyes, decide, declare, and definitively sentence: that the marriage between John Cordier and Mary Nicolle is null and void; regarding the doubt raised as to whether the judgment of the Royal Court of August 11, 1910, should be confirmed or annulled, we answer: that the judgment of the Royal Court should be confirmed, and we

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decree and declare that it is to be considered as confirmed.

[*Latin ed. p. 513*]

Secretariat of State. 513 We condemn John Gordier to pay the judicial expenses. Thus we pronounce, ordering the Ordinary authorities and officials of the respective places to which this pertains, that they enforce this sentence, and against those who resist, they shall proceed according to the sacred canons, and especially Canon 3, Session XXV, concerning Reform, of the Council of Trent, employing the executive and coercive means that will be most effective and appropriate for the circumstances. In Rome, in the offices of the Sacred Roman Rota Tribunal, on the 23rd of June, 1911. Joseph Mori, Prefect. Frederick Cattani. Joseph Alberti. Reverend Father Tancredes Tani, Notary.

4. LETTER TO THE ORDINARYS OF ITALY, CONCERNING ITALIAN WORKERS MIGRATING TO FOREIGN NATIONS.

Most Reverend Monsignor,

One of the matters most dear to the heart of the August Vicar of Jesus Christ, and the object of His most merciful providence, has been, for twenty years, that of the emigration, both permanent and temporary, of Italian workers to foreign lands. This pontifical concern, born of the foresight of the many dangers of a religious, moral, and social nature to which these workers are exposed, was translated by the Supreme Pontiffs Leo XIII of blessed memory and Pius X, may He be blessed, into acts of great practical importance, and recorded in memorable documents, among which the circulars of this Secretariat of State, dated May 18, 1899, June 19, 1900, and January 25, 1908, hold the first place, addressed respectively to the Archbishops of Milan, Turin, and Vercelli, to the Metropolitan and Diocesan Bishops of Italy.

In these cited documents, in brief strokes, it was shown that the number of these voluntary exiles, abandoning their domestic hearths, crosses the borders of the homeland, in search of lands...

[*Latin ed. p. 514*]

5L4 Acta Apostolicae Sedis. - Official Commentary. Those who emigrate to foreign lands, whether in Europe, the Levant, or the Americhe, often suffer a less fortunate fate, and remain distant for many months of the year, and sometimes forever. In this regard, the sad condition, especially of temporary emigrants, was described: those who, at a certain time of year, set out for foreign lands in search of work, settle in places morally tainted by heresy and socialism, and, without the loving care of their parents, spouse, and children, whom they ordinarily leave behind in their native land, nor the paternal ministry of their own Parish Priest, unknown among the unknown, they often end up succumbing to vice, becoming victims of subversive sects, and even losing the sacred and invaluable treasure of the

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Faith. Finally, after having with satisfaction recognized the much that had already been done by the Bishops and the various works established, with the approval of ecclesiastical authority, for the assistance of Italian workers, the care of prelates, ever more provident and zealous, was invoked, so that that immense number of our workers, scattered in various states, would not lack there those spiritual and material safeguards and aids, without which it would be in vain to hope for their perseverance and to avert the danger of finding them, upon their return to their homeland, very different from how they departed, that is, corrupted in mind and heart, perverse and corrupting. And now, the Supreme Pontiff Pius X is pleased with the results achieved so far, thanks to which one can admire, through so many and varied works of religion, charity, education, cooperation, and social welfare, a beautiful flourishing of religious and patriotic charity. Most of the religious congregations of Italia, represented in the various countries of our immigration, have contributed to the achievement of such comforting results, and many of them have recently confederated for this purpose. However, the fate of the emigrants is so important to the Holy Father that He cannot be entirely satisfied with this, but rather feels, by His highest Mission, impelled to seek every means to bring about ever new improvements to this organization, so that it may provide adequate remedies for the lamented evil, which, although it shows no sign of ceasing. Indeed, the same Holiness is aware that the importance of the aforementioned works, established in their favor, is not yet sufficiently known to the emigrant population, especially in secondary cities, towns, and rural areas; indeed, they often even ignore their very existence. Thus, many of our workers depart without first considering contacting the centers of these aforementioned works, which could certainly enlighten them and properly direct them to the many missions and

[*Latin ed. p. 515*]

Secretariat of the State. 515 Secretariats, which correspond with these centers and are located in the very regions where they travel. Lacking, as it were, the initial guidance, it follows that it is always difficult, and often even impossible, for the most zealous Catholic to reach them on that ill-fated path and to save them from the snares and evils into which they soon fall. And, in this regard, it is well known to all that, in certain stations, especially abroad, through which Italian workers pass with greater frequency, and in the most well-known industrial cities, there is never a shortage of unscrupulous speculators, propagandists of socialism, and even emissaries of Protestantism, who await the easy prey at the gate and make them their own with the seductive illusion of providing emigrants with protection, work, and lodging; but, in reality, with the aim of exploiting the good faith and the precious energies of our workers, or of increasing their ranks with those of sectarian proselytism. The first to succumb to these machinations

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– which, unfortunately, confirm how provident and industrious the spirit of evil is – is the sad prelude to those sins with which those poor workers will later compromise their conscience and even their material well-being: apostasy, subversion, and all those disastrous moral disorders, which it is best to remain silent about here, but which so detract, in the eyes of foreigners, from the honor of our good Italian people. Such a grave evil calls for a prompt and effective remedy. Therefore, the same Holy See has determined to recommend, through my means, to Your Most Illustrious and Reverend Excellency, as an act highly pleasing to the Lord and also meritorious of civil society, first and foremost a preventive action in favor of emigrants. It must be promoted within Italy itself, indeed, within the very parishes to which those who are about to emigrate belong. And, in this regard, the ministry of the good parish priest is, with the obvious necessity, essential; his greatest care must be to nurture his spiritual children, especially the new generation and the working class, with the nourishment of a truly sound religious education, both in doctrine and in practice. Better than any other safeguard that can be devised, such a genuinely and strongly Catholic upbringing will save the people he loves and will give him a firm hope that his parishioners, even though uprooted by the vicissitudes of life far from their native soil, will preserve, through trials and dangers, their faith intact, their morals pure, and the Italian name unblemished. And, the zealous parish priest lacks nothing, if he wishes to give new order and impetus to the catechetical work of his parish, wise...

[*Latin ed. p. 516*]

516 Acta Apostolicae Sedis. - Official Commentary. Directives are found in many reputable pastoral books, and especially in the fundamental Encyclical "Acerbo nimis" of the reigning Supreme Pontiff. This most important general suggestion can then be integrated with the following special provisions:

I. It will be beneficial to establish in each Diocese, where it does not already exist, a Committee for Emigration; the purpose of which will be to act as an intermediary between the Parish Priests, whose care depends on the workers who temporarily or permanently emigrate, and the Offices for information for emigrants (*).

II. The aforementioned Committee will be established at the initiative of and under the presidency of the Ordinary; and the same Ordinary will call upon charitable and influential individuals, both of the clergy and the laity, to participate in it, individuals who can reliably be counted upon to dedicate their efforts to this noble purpose. The aforementioned Committee will be located in the episcopal city, and may establish subcommittees elsewhere, in locations where it is especially necessary to exercise the salutary work with greater promptness and effectiveness, assigning to each subcommittee the Parishes with which it must correspond as needed.

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III. If the Bishop deems it beneficial, he may include and constitute within the Committee or subcommittee for emigration some of the most experienced and active Catholic associations flourishing in his Diocese.

IV. The primary task of the Committee and the subcommittees for emigration will be to maintain contact: 1.° with the aforementioned central information offices, to inform them in a timely manner about the future circumstances of the emigrants who will depart from the Diocese, and to coordinate with them regarding anything that may be beneficial to them; 2.° with all the Parish Priests of the Diocese, to avail themselves of their zeal in favor of the aforementioned emigrants.

V. A careful commitment of each Parish Priest, in this regard, will generally be to serve as an intermediary between the Committee, or his own subcommittee, and the emigrants. Therefore, delicate acts of charity and skillful foresight are entrusted to his zeal, such as the following:

1. He will, as soon as possible, learn of the departures that will occur in his parish, and on this subject, he will: (*) Among the various offices that have arisen in Italy for this purpose, the following are particularly recommended: that of the Most Reverend Monsignor Gian Giacomo Coccolo (Boma - Lungo Tevere Castello, 3), and that of the Venerable Ecclesiastical Consultory of the Work for Assistance to Italian workers emigrating in Europe (Milan - Archbishopric). The first deals with the passage of emigrants between the two continents and, in general, with information about the United States; the second deals with information and correspondence for the various states of Europe and other regions.

[*Latin ed. p. 517*]

Secretariat of the State. 517: All those data which may furnish material for useful suggestions; that is to say: the number, profession, and qualities of the emigrants, the journey they intend to undertake, the goal they set for themselves, etc. All of this shall be immediately communicated to the Committee, or to its Subcommittee, so that these, in turn, may furnish them with practical instructions and appropriate recommendations regarding the matter.

In this manner, being able to properly guide and advise those who are about to emigrate, the Parish Priest shall take care to transmit to them the aforementioned instructions and recommendations; exhorting them to make confident use of them and persuading them of the grave dangers to which they would be exposed if they did not wish to avail themselves of the aforementioned assistance programs, which exist in their favor in the countries to which they will travel.

3. As the day of departure approaches, the Parish Priest shall make a final demonstration of his priestly zeal and paternal solicitude for those poor workers. He shall gather them together, comfort them in good things,

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warn them against particular dangers, provide for the tranquility of their consciences, and, above all, he shall see to it that they do not depart without having, in a suitable religious function and with devout solemnity, all together approached the Sacred Table to partake of the Bread of the strong.

4. After the departure of the emigrants, the Parish Priest must not consider his task regarding them to be entirely completed. The memory of paternal affection and of the holy words with which the good shepherd consoled their farewell and the bitterness of their departure from their native land and family will certainly remain dear and venerated in their hearts for some time. But the concerns and impressions of the new life would end up erasing it, unless the work, and, so to speak, the very voice of their own Parish Priest, from time to time, reaches them, on foreign soil, still beneficial and admonishing. Hence the necessity that the Parish Priest maintain some correspondence with his children and inform himself, in the best way possible, of the lives they are leading and the conditions in which they find themselves, in order to provide, if necessary, with the means at the disposal of the Committee.

5. Finally, when the emigrants return to their homeland, it will remain the duty of the Parish Priest to repair any damage that, unfortunately, their absence from the parish may have caused to their souls. Furthermore, whenever he may gather some practical observation from the experience of past emigrations, which, if known to the Committee, he believes would give it the opportunity to improve the functioning of the program, he will endeavor to communicate it.

[*Latin ed. p. 518*]

518 Acta Apostolicae Sedis. - Commentarium Officiale. In delineando hic ad V. S. [Venerabilem Sacratatem] lineas generales huius organizationis dioecesanae, quae, si fideliter adhibita, ultimum perfectionem et plenam cautionem successus tribuent operibus institutis ad auxilium emigrantium Italorum, Sanctissimus Pater exprimit firmam fidem ut V. S. se libenter magistrum et ducem novae organizationis propositae faciet; et sperat etiam, post opportunam exhortationem et sub dependentia et vigilantia V. S., omnes et singuli Parochi huius Dioecesis sentiant necessitatem urgentem et vivam, quantum ad ipsos pertinet, fieri zelatores harum providenciarum, quae ad bonum et salutem filiorum spiritualium eorum ordinantur. Grato mihi erit scire a V. S., quandoque, quid V. S. potuerit facere de providentiis supra dictis; et interim mihi est gratum confirmari sensibus bene distincta admiratione Della S. V. [Domini Sacratissimi]. Roma, 8 Septembris 1911. Servitor R. CARD. MERRY DEL VAL.

[*Latin ed. p. 519*]

Diary of the Roman Curia. 519 DIARY OF THE ROMAN CURIA. SACRED CONGREGATION. NOTICE OF COMPETITION. Priests who as-

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pire to a position as a teacher in the lyceum, philosophical, and theological courses at the large regional Calabrian Seminary in Catanzaro, must submit their application to their Ordinary before October 25th, along with documents regarding their age, studies undertaken, titles proving their suitability, and good priestly conduct, so that they may then be forwarded to the Sacred Congregation. Priests of Calabrian origin will be preferred, all other things being equal. Any recommendation of favoritism is prohibited. For the philosophical-lyceum schools, a teacher of philosophy and introductory studies, one of the humanities, and one of natural sciences are required. For theology, one teacher of fundamental theology, one of sacred Scripture and Hebrew, one of moral theology, and one of ecclesiastical history are required, to whom, according to programs to be established in detail, the teaching of some other secondary subject may be entrusted. Rome, September 25, 1911. SECRETARY OF STATE. APPOINTMENTS. The Holy Father, through a letter and a Brief from the Secretariat of State, has deigned to appoint: Apostolic Protonotary, in the manner of those participating: September 13, 1911. — The Reverend Doctor Vittore Giulio Arocha, parish priest in the archdiocese of Caracas. Domestic Prelates of His Holiness: August 11, 1911. — The Reverend Matteo Kooplicat, belonging to the Apostolic Vicariate of Changanachery. September 12, 1911. — The Reverend Celestino Alvarez Galán, General Vicar of the archdiocese of Yucatán (Mexico). September 14. — The Reverend Davide Leistle, Doctor of Theology, Rector of the diocesan seminary of Augsburg.

[*Latin ed. p. 520*]

520 Acta Apostolicae Sedis. - Official Commentary. HONORS. His Holiness, through a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The title of Count: September 14, 1911. — To Mr. Giuseppe Maria Agostino Legeard de la Diriays, of the archdiocese of Rennes. The Order of Saint Gregory the Great, civil class: August 21, 1911. — To Mr. Selim Rabbat, residing in Alexandria, Egypt. The Knighthood of the Order of Saint Sylvester: August 7, 1911. — To Mr. Giacomo Fiorini, lieutenant in the Pontifical Gendarmerie. August 21. — To Mr. Basilio Malatakis, of Constantinople. August 28. — To Mr. Edoardo L. Hearn, residing in New York.

APPOINTMENTS IN THE PAPAL HOUSEHOLD. His Holiness, through a letter from His Eminence, the Reverend Monsignor, the Major Domo, deigned to appoint: Honorary Supernumerary Chamberlains: September 18, 1911. — Monsignor Vincenzo Cumino, of the archdiocese of Turin. — Monsignor Nicolò Batistiç, of the diocese of Ragusa. — Monsignor Giovanni Formosa, of the diocese of Malta. — Monsignor Isauro Aranjo de Medeiros, of the archdiocese of Rio Janeiro. Honorary Supernumerary Chamberlain of Sword and Cape: September 18, 1911. — Mr. Baron Leone de Trétaigne.

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NECROLOGY. September 18, 1911. — Monsignor Giulio Alfonso Cousin, Bishop of Nagasaki. September 23. — Monsignor Eugenio Francesco Touzet, Bishop of Aire and Dax. — Monsignor Antonio Polito, Archbishop of Corfu. September 28. — Monsignor Giuseppe Deruaz, Bishop of Lausanne and Geneva.

[*Latin ed. p. 521*]

Year III. - Vol. III. October 15, 1911. No. 14. "ACTA APOSTOLICAE!" OFFICIAL COMMENTARY. ACTA OF POPE PIUS X. LETTER I. TO ADAM IOSERH SCHMITT, PRESIDENT OF THE CATHOLIC ASSOCIATION OF "VIRUM" IN MAINZ, CONCERNING THE UPCOMING CONVENTION. Beloved Son, greetings and the apostolic blessing. — We are both pleased that the annual gathering of German Catholics is to be held soon in Mainz, and that solemn observances are to be held there to commemorate the end of the first century since the birth of William de Ketteler, Bishop of Mainz, of the Church of "Virum," a man so highly esteemed for his service to the city: and we have received with great pleasure the intention to honor him not only by the people of Mainz, but by all Catholics in Germany. Indeed, this is a fitting tribute from those who know how zealously he defended the rights of the Church and the Apostolic See, how wisely he explained Christian doctrine, and how closely his work is connected with the so-called social question, to which the Catholic religion provides a wonderfully effective and salutary solution: and finally, this undertaking is a cause for joy for the young people and women who dedicate themselves to daily labor. But it also honors your Church, which has received so much light from its esteemed leader, as is clearly demonstrated by his outstanding achievements and writings. Therefore, the planned celebrations are all the more pleasing to us, because the memory of the dearly missed Bishop gives us good hope that all those who gather there, by devoutly contemplating the light of his doctrine and example, will draw inspiration, and will conceive new plans to promote the best interests of religion with even greater zeal. ACTA, vol. III, no. 14. - October 15, 1911. 36.

[*Latin ed. p. 522*]

Acts of the Apostolic See. - Official Commentary. May the outcome of your endeavors be blessed, and may they bring forth abundant fruits, both in increased faith and in the wider and more flourishing activity of the Catholic cause. To this end, we implore the aid of heavenly powers, and we invoke the help of the most holy Bishop Boniface, who was both a father to your Church and the first to lead the people of Germany to the sacred mysteries of Christianity. May he be present with you, invoked by our common prayers, and may he bestow his blessings so that those who have reaped the fruits of his labors may be led to greater and more joyful abundance through his heavenly patronage. As a testament to our benevo-

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lence, we impart to you, beloved Son, the Apostolic Blessing, to those who are working to prepare for this gathering with you, and to all those who participate in it, with the greatest affection in the Lord. Given in Rome, at St. Peter's, on the tenth day of July, in the year 1911, in the eighth year of Our Pontificate. PIUS PP. X. TO THE MOST REVEREND PATRIARCH AND ARCHBISHOPS AND CATHOLIC BISHOPS OF THE ARMENIAN NATION, CONCERNING THE NATIONAL SYNOD TO BE HELD IN ROME. Venerable Brothers, greetings and the Apostolic Blessing. — You are well aware, Venerable Brothers, of the benevolence with which the Roman Pontiffs have regarded the illustrious Armenian Nation. Besides what is known to all about the close and affectionate relationship between Pope Sylvester and Gregory, the Archbishop of Armenia, the memory of the Florentine Council shines brightly, in which Pope Eugene IV strove greatly to reconcile the Armenians with the Roman Church. Furthermore, Urban VIII, by admitting Armenian students to the Urban College for the Propagation of the Christian Faith; Benedict XIV, by restoring the dignity of the Patriarchate of Cilicia; Gregory XVI, by regulating the affairs of the diocese of Constantinople, and by generously providing for a home in the city of Rome to receive pilgrims from Armenia; all testified to their benevolence through their actions. Moreover, the benefits conferred by Pius VIII are noteworthy, to whom the Armenian Catholics owe, above all, the freedom obtained against the civil jurisdiction of the schismatic prelates. Nor should we overlook the religious concern of Pius IX, who decreed and provided for what he considered to be for the good of the Armenian Church. Furthermore, in recent times, the Apostolic See has striven greatly to extinguish the flame of schism and to resolve the discord that had arisen. Also, the wisdom and generosity of Leo XIII were remarkable, in this.

[*Latin ed. p. 523*]

Acta of the Pontificate of Pope Pius X, No. 523: The Prince of the Christian world took care to establish a college in the city where Armenian young men, called to the service of the Lord, are generously educated. As for us, we have certainly spared nothing that seemed to contribute to the spiritual benefit of your nation. Now, considering the particular circumstances of the times, and having examined the present condition of the Armenian Church, we are confident that the celebration of a national synod will be most effective in eradicating the seeds of discord among you, in preventing disputes, in strengthening ecclesiastical discipline, in upholding your legitimate traditions and customs, and in defining the duties of clergy and laity. Therefore, through this letter, we command that such a council, presided over by the Most Reverend Patriarch, be convened as soon as possible by him, and that, for the sake of convenience, it be held in Rome. In this synod, matters concerning the rights of the Patriarch and Bishops, the proper administration of the faithful, the discipline of the clergy, the institutions of

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monks, the needs of missions, the decorum of divine worship, the sacred liturgy, and related matters, which must be carefully defined, should be discussed, all for the purpose of promoting the greater glory of God and increasing the splendor of the Armenian Church. Just as the celebration of national synods has been of great benefit to other Eastern churches in resolving matters and restoring ecclesiastical discipline, so we justly and deservedly promise that it will bring salutary fruits to your Church, through the study and promulgation of written laws. In the meantime, from the depths of our heart, we pray and beseech God to graciously bestow upon you an abundance of heavenly gifts. And with the divine assistance, and as a burning witness of the charity with which we embrace you in the Lord, we impart the Apostolic Blessing to you, Venerable Brothers, and to all Armenian clergy and faithful. Given in Rome, at St. Peter's, on the 30th day of August, 1911, in the ninth year of our pontificate. PIUS PP. X.

[*Latin ed. p. 524*]

524 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH • NOMINATIONS OF BISHOPS. By Apostolic Brief, the following were nominated: September 18, 1911. — Reverend Father Noë Joseph Tacconi, from the Seminary of Milan for Missions to foreign lands, appointed titular Bishop of Aradus and Apostolic Vicar of Southern Ho-nan. — Reverend Father Iuventius Hospital, of the Order of the Eremites of Saint Augustine, appointed titular Bishop of Cauna and Apostolic Vicar of Northern Ho-nan. — Reverend Father Aloisius Calza, from the Institute of Parma of Saint Francis Xavier for foreign missions, appointed titular Bishop of Termessus and Apostolic Vicar of Western Ho-nan. — Reverend Father Aloisius Bumei, Bishop of the Church of Alexius (Alessio in Albania). September 21. — Reverend Father Georgius Koletsi, Bishop of the Church of Sappes (Sappa in Albania). THE NOMINATION OF AN APOSTOLIC VICAR. His Most Holy Name, Pope Pius X, in audience on August 30, 1911, graciously accepted the resignation of Reverend Father John Baptist Cazet, of the Society of Jesus, from the office of Apostolic Vicar of Central Madagascar; therefore, Reverend Father Henry de Saune, of the same Society, his Coadjutor, succeeds him in this office. III. NOMINATIONS OF APOSTOLIC PREFECTS. By decree of the Sacred Congregation for the Propagation of the Faith, the following were nominated: September 25, 1911. — Reverend Father Stanislaus de Vos, of the Society of Jesus, appointed Apostolic Prefect of Koango in the Belgian Congo. September 26. — Reverend Father Oswaldus Waller, from the Seminary of Lyons for African Missions, appointed Apostolic Prefect of Eastern Nigeria.

[*Latin ed. p. 525*]

Sacred Roman Rota. 525 SACRED ROMAN ROTA, i. MARSEILLES.

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NULLITY OF MARRIAGE. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on July 1, 1911, the Most Reverend and Most Excellent Lords, William Sebastianiii Ponens, Seraphinus Many, and Franciscus Heiner, Auditors in turn, in the case entitled "Massiliensis. - Nullity of Marriage," concerning an appeal by the Defender of the Bond ex officio against the sentence of the Court of Marseilles, between Leoniam Flanchut, represented by her lawful procurator ex officio, the Advocate Nazarenus Ferrata, and Aemilius Raulier, who was contumacious, having intervened and disputed in the case of the Defender of the Bond, rendered the following final sentence. Aemilius Raulier, desiring to add a partner to his business, namely a certain Joseph Zwingestein, and lacking the necessary funds, conceived of obtaining them through marriage. And fortune favored him; he found a woman named Leoniam Planchut, aged 24, and possessing a dowry. The marriage ceremonies were duly celebrated on May 17, 1898, in the Church of St. Vincent de Paulo in Marseilles. However, as was easily foreseeable, the marriage had an unhappy outcome. Indeed, fifteen days after the beginning of the contract, as soon as Aemilius had become possessed of the dowry of the bride, at the first light of dawn, while Leoniam was sleeping, she fled from the marital home, taking with her her earrings and all the things she could carry, never to return. The woman, afflicted by many sorrows and misfortunes for several years, desiring to break the marital bond, which had been contracted under such an ill omen, presented a petition to her own Ordinary, requesting that her marriage be declared null and void due to a simulated consent on the part of the husband. The case was decided in favor of the actress by the Judge of Marseilles, but the Defender of the Bond, for the proper performance of his office, appealed to the Most Holy Office. Therefore, today the case is presented under the usual formula of doubt: "Whether there exists a nullity of marriage in this case." Marriage essentially consists in the consent of the contracting parties, which is the soul of the contract: but this consent must be true. For if someone outwardly celebrates and observes the marriage rite, but in fact expressly and positively rejects the contract, or its obligations, sub-

[*Latin ed. p. 526*]

526 Acta Apostolicae Sedis. - Official Commentary. When the agreement appears substantial, it is said to be simulated and fictitious, and therefore there is no marriage. This is also verified in the hypothesis in which only the substantial obligation, e.g., the perpetuity of the bond, is rejected with a positive and expressed act, while at the same time the intention to contract marriage is present: "For if the right is relative to the obligation, if one party, with their mind, now excludes or limits the matrimonial obligation, then, by the same token, they exclude or limit the matrimonial right, and therefore there is no agreement and no marriage." This can also be declared

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in another way. In this case, there are two positive and contradictory acts of the will; the contracting party wants marriage, because, by hypothesis, they want to contract it here, and at the same time they do not want it, excluding or limiting the obligation, and therefore the right. "Here, the subsequent act of the will destroys the prior one, or, if you prefer, these two contradictory positive acts of the will mutually annihilate each other, and thus the person does not want anything at all, and therefore there is completely lacking the matrimonial consent." Gasparri, De Matrimonio, n. 919, third edition. Simulation, however, being an internal act, is difficult to prove. Nevertheless, all Doctors admit that it can be sufficiently proven: 1.° if the manifest cause, or motive, of the simulation is present; 2.° if the simulation itself is demonstrated by the circumstances preceding, accompanying, and following the marriage. I. With these premises established, from the exhibited procedural documents, it is clearly evident that Aemilius Raulier entered into the marriage only in order to obtain money. This is, in the first place, deduced from the testimonies of witnesses, from which it is clear that D. Raulier earnestly urged the parents of Leonia to quickly pay the agreed sum, and asserted that if he obtained it before the marriage, he would completely abandon the idea. In truth, Leonia, after judicial questioning, testified: "One month before the marriage, he said to Monsieur and Madame Zwingestein, his associates: 'If the Planchut family gave me the money, I would leave immediately.' On May 14th, as he was leaving the notary's office, he expressed to Monsieur Planchut, my brother, and to me his dissatisfaction at not having received the thousands of francs that my father had promised him.'" The father of the plaintiff testified: "First, before the marriage, he would have said these significant words: 'If Father Planchut gave me the sum, I would leave immediately, without undergoing the marriage.' He said these words to his associate. As he was leaving the notary's office the day before the marriage, he made a scene because I had not paid the promised money." This is also asserted by Paulus Planchut, Leonia's brother: "I know that he said to third parties, to his associate, that if Monsieur Planchut had paid him the promised sum before the marriage, he would not have gone through with the marriage. As he was leaving the notary's office, he appeared very upset at not receiving the promised dowry; which further proves to me that if he had immediately obtained that money..."

[*Latin ed. p. 527*]

£. The Roman Rota. 527 "He would have carried out his threat." And Joseph Zwingesteiln testified: "Monsieur Raulier was seeking a wife in order to obtain 'capital to associate with me.' He always said that he was marrying 'for money.'" Furthermore, Renatus and Aloysia Gimontre and Charles Depourier repeat the same. Moreover, from these testimonies, it is quite clear that Aemilius entered into marriage only to obtain money. No

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objections to the aforementioned testimonies detract from their validity, as presented by the most astute Advocate. Indeed, the objection that the cited witnesses are not witnesses of their own knowledge, but of hearsay, generally does not invalidate testimony. For witnesses, even of hearsay, produce proof "when the testimony of hearsay is supported, or is joined with other conjectures, or presumptions, or proofs" (Ferraris, ad v. Testis n. 20), as happens in our case, as we will see below; moreover, the witnesses are declared to be trustworthy and of the highest character by the Court of Marseilles. A lesser objection is that the aforementioned witnesses did not receive their information from many, but from only one, namely, from Joseph Zwingesteiln, who is the one who testifies. For it must be said that there are at least two witnesses, namely, Joseph Zwingesteiln and his wife, Alice, as is evident from the letter of the aforementioned Alice, reported by the advocate in the Additional Summary, page 5. But even if there is only one witness, the most certain doctrine is that one witness, even if he does not present complete proof, does nevertheless induce a legal presumption of truth, if the witness is of the highest character. (Cf. De Angelis ac Santi in tit. XX, lib. II, Decret. Gregor. IX). Finally, another objection is that Zwingesteiln does not confirm what the other witnesses claim to have heard from him; for when asked by the judge: "Did Monsieur Raulier actually say before his marriage: 'If Monsieur Planchut, the father, gave me the money promised, I would leave immediately without getting married?'" he replied: "I do not recall"; but he adds something entirely different, indeed contrary, with these words: "I believe that he did marry anyway." Indeed, with regard to the response: "I do not recall," this neither confirms nor denies the depositions of the other witnesses. It is not surprising that Joseph confessed that he had forgotten certain words that were spoken before the marriage of Planchut and Raulier, after 12 years, because of "so many worries and misfortunes of all kinds, that you will easily understand that my memory fails me for things that did not concern me at all." Furthermore, the records show that the same Joseph uttered words equivalent to the disputed statement: "He always..."

[*Latin ed. p. 528*]

528 Acta Apostolicae Sedis. - Commentarium Officiale. « he said that he was marrying in order to obtain money ». Regarding, however, those things which Zwingesteiln brought forward, namely, « I believe that he married anyway », it is clear to everyone that the witness merely intended to refer to the rite of the celebration of the marriage, otherwise he would not have said previously: « It was « rather for the money, than for his wife, that he married ». That Aemilius was only concerned with money in entering into the marriage is evident from the second fact, namely, that he never lost Leonie, but rather truly hated her: « I recall (narrates the same Leonie), that one day « he asked me this question: " If someone were to ask you if you

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love me, e « what would you answer? " " I would answer that I am madly in love with you. " - And « then, I asked him in turn the same question: " If someone were to ask « you if you love me, what would you answer? " He remained silent for a moment, « lowered his eyes, and said to me: " The future will tell you " ». The frequently cited I. Zwingesteiln asserts: « O ne day, he even added: " M y future disgusts me, I believe that I am going to fall into an abyss " ». And his wife, Alice, in the aforementioned letter, writes: « The day, or the day before his « marriage, I do not remember exactly, he came to our house (where he did « not come anymore) to tell us that he felt that he was going into an abyss, that he « did not love her " ». Nor is the fact of the consummation of the marriage to be considered of any value. For consummation is more attributable to lust, than to conjugal love. Furthermore, prudence, or rather, cunning, taught that the pretense should last as long as the author of it had fulfilled his wishes, lest the wife be led into suspicion; which Leonie subsequently understood, when she asserted to the judge: « To achieve his goal, he had to go « through the phases of marriage ». II. The determined cause, or motive, of the pretense must now itself be proven from the circumstances preceding, accompanying, and following the marriage. And regarding these things which preceded the marriage, it is evident from the records that, a few weeks before the marriage, namely, on March 27th, Aemilius asked the goldsmith, at whose shop he had purchased jewelry for his future wife, about the price at which it could be sold: which the goldsmith himself, Rodulphus Lyon, narrates as follows: « Before his marriage, Monsieur Raulier « came to my shop to buy jewelry, and, as I showed him a pair of earrings, he made this remark to me, which greatly « surprised me: " Which of these, he said to me, would I lose the least « money on if I were to resell them? " ». By this singular question, Aemilius made it clear that he did not intend to give the aforementioned jewelry to his bride permanently, as is customary, but rather to take it back from his wife at a set time and resell it. - Furthermore, it is clear that D. Raulier, before the feast of Easter in the year 1878,

[*Latin ed. p. 529*]

The Roman Rota has determined that he was to reside there after marriage with his future wife; but not long after, that is, on May 14th (three days before the marriage), he informed the landlord that he would be terminating the lease agreement after the first year. He confesses this with these words: "Monsieur Raulier had arranged for lodging at 24, rue Gaubert, before Easter, in order to live there after the marriage, which was to take place on May 17th. But on May 14th, at 2 p.m., he told me: 'I am going to write to M. Laurent, our landlord, to give him notice, because in Marseille, if one does not inform the landlord before May 15th, one is bound for another year.'" This was indeed done, as testified by Leonia's brother. As for the marriage itself, Aemilius told his associate Zwingesteiln that very

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morning, on the day the marriage was celebrated: "I don't know when this will happen." These words show that Aemilius was in no way inclined towards this marriage, but rather that he was submitting to it, which is easily understood from his words. Then, after the wedding ceremony, on the same day, during the meal, he displayed a cold, indeed inappropriate, demeanor towards his bride, as reported by Lucia Depouzier: "I was able to observe on the very day of the marriage a great coldness and even a lack of propriety towards his fiancée, after the meal that preceded the ceremony. I judged that he had a very bad character." Regarding the events that followed the marriage, they can be summarized briefly. When Aemilius was increasingly and annoyingly delaying the payment of the dowry from day to day, he finally received the money on May 31st; and when he also greatly desired the wife's earrings, which he himself had purchased (but not yet paid for), he waited for a suitable time at night, so that, with his wife asleep, he could steal the earrings; which he did. Therefore, on June 1st, having collected the money and taken the earrings, he fled, and never gave the slightest sign of himself for thirteen years. All of these things, when considered together, clearly show that Aemilius did not intend to enter into a true marriage, but rather used a very cunning and sacrilegious scheme to obtain the dowry and other things for himself. If it is said that he may have used the marriage itself as a means to an end, it must at least be admitted that he expressly and positively did not want to bind himself to his wife forever, but only for the time necessary to obtain the money. It was expressly and positively stated; indeed, he expressly wanted the lease to end, he expressly manifested his intention of taking and selling the wife's jewelry; he expressly planned to flee once he had obtained the money and the jewelry; this last point was not stated in words, but his actions speak louder than words.

[*Latin ed. p. 530*]

Acts of the Apostolic See. - Official Commentary. 530 witnesses testify, indeed, they clamor. For it cannot be attributed to a sudden impulse that Raulier, having collected money and jewels, fled without any delay whatsoever; rather, this must be attributed to a plan that he had already conceived in his mind before the marriage, whether when considering the termination of a lease, or when considering the sale of earrings. Furthermore, it must not be overlooked that a similar case was presented to the Most Holy Congregation in the document "Parisien - Matrimonii," dated March 7, 1885, in which a certain American citizen, Augustus, had entered into a marriage with Magdalena, ostensibly to obtain a sum of money promised by his mother for the purpose of the marriage; but this marriage was, at least partially, simulated, rejecting the bond of indissolubility, and he did not intend to live with his wife except for the necessary time to obtain the aforementioned sum of money, after which he would flee with a mistress

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whom he favored. Moreover, having duly proven the aforementioned simulation through all the circumstances that preceded the marriage, and those that followed, the Holy Congregation declared that there was no marriage due to a lack of consent on the part of the husband. (Acts of the Holy See, Vol. XXIII, pages 14-31). Having duly considered and diligently pondered all of these things, We, the undersigned Auditors from Tournon, invoking the name of Christ, sitting for the Tribunal and having only God before our eyes, decree, declare, and definitively pronounce that the marriage between Leonie Planchut and Aemilius Raulier is null: to the aforementioned question, we respond: "Affirmatively." Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to enforce this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, of the Council of Trent, employing all those means that may be more effective and appropriate for the circumstances. Rome, July 1, 1911. L. Çfc S. Sac. Tancredes Tani, Notary. William Sebastiani, Assessor. Seraphinus Many. Francis Heiner.

[*Latin ed. p. 531*]

In Holy Rome, concerning stipends. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on the 25th of July, 1911, the Most Reverend Fathers Michael Lega, Dean, Frederick Cattani, and Anthony Perathoner, Auditors in the cause entitled "Rome - Stipends," concerning certain Professors already attached to the Institute of Saint Angelo Mai, now suppressed, the parties, represented by the Advocates Henry Kambo and Christopher Astorri, and the Administration of the Goods of the Holy See, represented by the Advocates Charles Patriarca and Julius Patriarca, having been convened, and with the intervention and participation, for the sake of justice and the protection of the law, of the Promoter of Justice, rendered the following definitive judgment. After the year 1870, when the civil principality of the Roman Pontiffs was overthrown by force and with great injustice, it came to pass that those schools which had been established for the civil instruction of youth by the Supreme Pontiffs, and under their jurisdiction and direction, or by the municipality, or, otherwise, by civil authority, passed over to the new civil administrators of the republic. However, because the moral and religious instruction of youth is most closely connected with the discipline of the human sciences, and because it was clear to all that the aims of the civil administrators were not directed towards this end, therefore, some citizens, concerned for the public good, at their own expense, established schools, in which young people, together with secular disciplines, would be imbued with the ancestral religion. But the expenses incurred for this purpose were increasing daily, and since the private founders of these schools were unable to sustain them, lest the fruits derived from them, and those hoped for in the future, should

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fail, Pope Leo XIII, at the beginning of his pontificate, deemed it fitting that these schools should be taken under the care of the Holy See, with a council of prudent men established to govern them, and that an annual sum of money, almost the entire amount of the expenses, be granted from the papal treasury. This is relevant to what Alexander Seganti, Professor, stated in a supplementary inquiry, namely: "that the Angelo Mai Institute was nothing more than a continuation of the 'Archiginnasio della Pace,' which originally was subsidized by the Comune, and subsequently by the Papal State, as its dependency, until the year 1870." Indeed, after that year, these schools were counted among the private schools.

[*Latin ed. p. 532*]

532 Acta Apostolicae Sedis. - Official Commentary. The substitution of the Pontifical treasury with private citizens for the support of schools was effected in such a way that no pontifical act intervened, but the purpose and will, which were tacitly present, appear to have been manifested in some way, without altering in any way the nature of those things which were governed by private law. Natalucci, in the relation cited by him concerning the petition presented by Professors for the granting of pensions (there), states: "The Holy See, in founding in Rome the three secondary schools F. S. De Merode, Angelo Mai, and Antonio Canova, explicitly declared that it did not intend to assume any stable commitment, and that it would maintain them as long as its economic conditions permitted. The governing council, strictly adhering to the instructions received, did not fail to make these known to the individual professors and other staff of the aforementioned institutions; therefore, it refrained from issuing appointment certificates to them, limiting itself only to providing written notification to the governing bodies of the institutions and verbal communication to those selected. Since the same circumstances and conditions of things still persist, will the Holy See now undertake positive commitments by admitting the stability of the appointments and recognizing in those appointed the right to receive a pension? " In the decree of 1890, in which certain subsidies were granted to Professors under certain conditions, the following caution is included in Article 3: "The same rules (regarding the granting of subsidies) will be observed in the case that the professor or employee is forced to retire due to the suppression or dissolution of the institution," and in Article 10: "The provisions contained in the preceding articles will be maintained as long as the economic conditions of the Holy See permit, and they cannot, at any time and under any pretext, confer any legal right in favor of the subsidized persons, nor constitute any legal obligation on the part of the governing council." These declarations, although intended to preserve the original nature of these schools as private institutions, did not prevent them from being and being called pontifical schools, since they were supported by the pontifical treasury, and the Holy See governed them either through the

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governing council appointed to them or through the Sacred Congregation of Studies. However, with the passage of time, expenses increased and obstacles multiplied, preventing the desired results from being achieved; for since young people were in every way encouraged by civil authority to attend public gymnasiums, the establishment of schools in private institutions became more difficult, and consequently, the number of students began to decrease; therefore, after careful consideration, the Blessed...

[*Latin ed. p. 533*]

Saint Bonaventure. In the year 1909, on the first of June, Pope Pius X, by his Chirograph, decreed that the Institute "Angelo Mai" should be suppressed, addressed to the General Prefect of the Barnabite Fathers, stating the following: "The duty of taking into account the contributions of the 'faithful to provide for the needs of the Holy See compels me to exercise the greatest possible economy in all that is superfluous. Now, since the Institute 'Angelo Mai' and the Apollinare Gymnasium-Lyceum have a very limited number of students, it is necessary to unite the two institutions into one. Therefore, the Very Reverend Prefect will inform the families of the students who attend the 'Angelo Mai' that the Institute will be closed for the coming school year, and that those who wish to benefit from it will be transferred to the Apollinare Seminary." Furthermore, it was provided for the Professors who worked in the suppressed Institute "Angelo Mai" and who subsequently ceased their duties, that they would receive a pension corresponding to the years of service rendered, granted for each year, as one-fortieth part of the annual salary. This provision followed the decree of 1890, commonly known as "Concerning Pensions," although this was abolished in 1897, and a similar pension was provided, but in a smaller measure; for it was stipulated in article 2: "A subsidy will be granted corresponding to as many forty-fortieth parts, reduced by one-fifth, of the honorarium received during the last two years, as there are years of service rendered. If, however, they have not completed ten years of service, they will receive a single gratuity corresponding to as many monthly salaries, reduced by one-fifth, as there are years of service rendered." Indeed, without deducting the one-fifth part of the annual salary, as will be seen from the cited article, a pension of one-fortieth part of the full salary was granted for each year of service rendered. However, the petitioners in the present action insist that the full salary is due to them, whether as a pension or as compensation for the work they are prepared to render, just as before, and this action is being pursued before the Holy See Tribunal by a commission appointed by the Most Blessed Father, and the final judgment is to be determined, and the following formula of inquiry has been legitimately agreed upon: "Does it appear that the petitioners have a just claim to demand the full salary, without being obligated to provide their services under the aforementioned conditions in this case?" Furthermore, the following points have been brought

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to the attention of the Lords: 1.° In the introductory pleading of the lawsuit, the action was initiated "against a) the Administration of the goods of the Holy See; b) the Sacred Congregation of Studies; c) and the Reverend Barnabite Fathers."

[*Latin ed. p. 534*]

534 Acta Apostolicae Sedis. - Official Commentary. Concerning the matter of resolving a doubt, to which effect all parties involved were, as was fitting, summoned before the tribunal, the procurator for the Barnabite Fathers, as well as the procurator for the Sacred Congregation of Studies, requested that they be declared extraneous to the case, and that they have no part in it. To define the matter at hand, it was decreed by the Most Holy Father that the question be presented through a memorandum on April 14, 1910, on which day this rescript was issued, namely: "Considering that the Barnabite Fathers, in their memorandum, have sufficiently demonstrated that they cannot be summoned to appear in order to be obligated to pay a pension or the full salary to the plaintiffs, since they themselves were not obligated to pay the salary before the college of Angelo Mai was suppressed, and that they had not assumed any obligation to pay a pension or salary; considering the consent of the procurators of the other parties, it was decreed that the Barnabite Fathers should, in this judgment, be and ought to be considered extraneous, saving the judgment regarding expenses." Nothing, however, was decided concerning a similar question with regard to the Sacred Congregation of Studies, because this Congregation did not further insist on its petition, since the reasons for its petition were not explained through a memorandum, as had been decreed. 2.° Although the council of men previously responsible for these schools was suppressed, and the Sacred Congregation of Studies was substituted for it, nevertheless, such a matter pertained to it not by virtue of its own ordinary mandate, but by a commission from the Supreme Pontiff; and the salaries and pensions were to be paid by the pontifical treasury itself, therefore, in truth, the Administration of the Goods of the Holy See is called into the cause. Therefore, all officials, whether major or minor, of the Sacred Congregation, have only the role of witnesses in this judgment, to which, in truth, the same Congregation is extraneous. The Most Holy Fathers wished to declare this, so that the insistence of the Promoter of Justice, who was requesting that this Holy Congregation be dismissed from the judgment, might also be satisfied; to which petition the procurator for the plaintiffs consented. 3.° Furthermore, the Lords noted that although in the Chirograph of June 1, 1909, there are the words "di unire in un solo i due Istituti" [to unite the two Institutes into one], nevertheless, the Institute of "Angelo Mai" was suppressed, and the Lyceum Gymnasium of St. Apollinaris remained intact. This is asserted as a fact by the plaintiffs and is admitted by all witnesses. Therefore, a union was had which was destructive of the

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other Institute, and this is indicated by the Chirograph, which warns the students "who attend the Angelo Mai, that for the coming school year, the Institute will be closed, and those who wish to take advantage of it will be concentrated in the Seminary of Apollinaris." The plaintiffs themselves acknowledge this in the introductory booklet: "During the course of the year 1909, the Institute was closed." Therefore, a suppression was had.

[*Latin ed. p. 535*]

Saint Bonaventure, Book 5, Chapter 35. Concerning institutions, with a discussion regarding the substitution of one institution for another concerning students enrolled, and the suppression of another institution. 4. Finally, it was the will of the Lords that it be noted once and for all that, in the course of this cause and in this very opinion, mention was made of the decree of 1890 concerning pensions, and that, although the Holy See professed that it did not wish to be obligated towards professors regarding the payment of pensions, it took care not to use the word "pension" in the aforementioned decree, but rather it always spoke of subsidies, of persons to be subsidized. Indeed, the decree contains the following inscription: "The norms to which the Board of Directors of the Pontifical Institutes of secondary education must adhere in providing assistance to professors and employees of said Institutes who, either due to advanced age or for other just reasons, are unable to continue in the exercise of their office." This manner of speaking clearly signified and denounced to the Professors the intention of the Holy See, as was contained in the aforementioned decree. This was prompted by Professors who had presented "a project for the establishment of a retirement system." The Professors had requested a retirement system, or, if not, a pension, because the recognition and granting of such a right was equivalent to the recognition and granting of the stability of their office. Therefore, Advocate Natalucci, in the report written on this matter, noted: "Since the same circumstances and conditions of things still persist, will the Holy See assume positive obligations by admitting the stability of the appointments and recognizing in the appointed individuals the right to the attainment of a retirement system?" To these questions proposed by the Professors, the Holy See responded negatively, not only through the articles 3 and 10 already mentioned, but also by granting only subsidies, but not under the title, not under the name of a retirement system or a pension. With these facts noted, proceeding more directly to the legal question, the Lords examined: 1. What was the legal status of these schools? Although, from their origin, they were not founded by the Holy See, nevertheless, from the moment they were called pontifical, because they were supported by the pontifical treasury and were, in one way or another, directed by the Holy See, they are justly considered to be founded by the Holy See and to be in its property, both with regard to the school property and with regard to the free faculty of suppressing them. However, since these schools boast of

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being pontifical, it is not permissible to infer, as the lawyers conclude, that they necessarily had to be stable, just as the Holy See, the Church of Christ, cannot fail: "The entity from which the Professors were hired (as is read in the document presented by the lawyers), as we have said, was the Holy See, which is unfailing."

[*Latin ed. p. 536*]

536 Acta Apostolicae Sedis. - Official Commentary. "In his life, not only, but also in his very way of being. A sovereign entity, recognized as such by all nations, endowed with its own patrimony and the means necessary for the foundation and maintenance of a school. Therefore, in this respect, the stability of the professors' employment was as absolute as that of government employees, both being dependent on entities that are, by their very nature, perpetual and unchangeable." This conclusion is very far from the truth, it confuses the principles of public law, and contains a fundamental error. For the schools in question teach those human disciplines, those arts, which are not included in the Church's divine mission, which is perpetual, supernatural, and enduring in every age, or which are not included in its constitutive public law, if we may use legal terms. These schools, as we have already noted, are legally called pontifical, but, nevertheless, they must be considered among the private or paternal schools, as the professors stated in a report given to the Reverend Father Nespoli, Prefect, in 1904: "The 'Angelo Mai' Institute arose from the union of the paternal schools and the Archiginnasio della Pace. The paternal schools were founded in the year 1870, when the Italian Government took the Roman College from the Jesuits. Some of the professors who began to teach in that year still teach in our Leone XIII Institute. Pope Leo XIII took an interest in our Institute. He established an annual grant to pay the professors, the rent, the employees, and to found a library and a cabinet." Such schools, even though they are also pontifical, must, by Italian civil law, be under our jurisdiction, which today, with the fact of the civil pontifical authority overturned, still applies here in Rome. Considering public law, Cardinal Cavagnis explains (Inst. iuris pub. eccl., Vol. III, lib. IV, edit. 4) the Church's right concerning schools founded for lay faithful, and he considers (page 10) "1.° The Church's negative right to ensure that Christian doctrine is not undermined in them; 2.° The Church's positive right to promote religious culture in schools, whether they are lay or for clerics." This right, however, is not only negative but also positive, and its exercise is hypothetical or accidental, depending on the circumstances, as explained by Cardinal Cavagnis, loc. cit. Furthermore (page 49), he explicitly asks: "Does the Church also have the right to found schools for lay people?" and he states the principle (page 50): "We note once and for all that the care of such matters (namely, civil disciplines or sciences) belongs to the civil authority, and that its laws must be observed by ecclesiastical persons, namely, that clerics must be subject to

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the directive force of civil laws, for the sake of the common good, in matters that do not conflict with the dignity and office of their status." Therefore, it follows that where civil laws are in force regulating these matters, if the Church, using

[*Latin ed. p. 537*]

537. Sancta Romana Bota. Cum facultas civibus, seu personis moralibus, sub certis conditionibus, scholas instituendi concedatur, et huiusmodi scholae ad laicos instituendos in humanis disciplinis vere instituuntur, hae scholae, lato sensu, propriae dicere possunt Ecclesiae, ut explicat (I. cit., n. 92) Cardinalis Gavagnis: « Lato sensu, scholae propriae habentur, cum propriis impensis instituuntur, sed servatis dispositionibus legum civilium, tum quoad materias, tum quoad scholasticam disciplinam, et qualitates docentium et regentium, ut sunt apud nos scholae privatae, sed legibus uniformatae ». Itaque, scholae de quibus quaestio est, sunt vere privatae, legibus civilibus regni Italici uniformatae, nec earum natura et conditio iuridica immutata est, quando effectae sunt propriae S. Sedis seu Pontificiae: tunc mutatus est institutor, sed eadem permansit institutio. Ex dictis, sequitur quod, ut ad rem non faciunt, imo nullimode pertinent, principia iuris publici, invocata ab actoribus, scilicet: « la stabilità dell'impiego dei Professori era tanto assoluta quanto « quella degli impiegati governativi, essendo entrambi dipendenti da enti « per natura loro perpetui ed indefettibili »; item, ad hodiernam controversiam, nullo modo pertinet Constitutio « Quod divina sapientia », edita a Leone P. XII, qua ordinatur « methodus studiorum cum pietate con« iuncta in ditione pontificia ». Haec Constitutio, igitur, non comprehenditur in iure pontificio, quo universus orbis catholicus regitur, sed lata est pro ordinandis disciplinis quoque civilibus et profanis, prout expostulabat exercitium civilis principatus, quo tunc frugebantur Romani Pontifices in Statu Romano. Congregatio Studiorum instituta est hac Constitutione, ut praeesset studiis, tum Romae, tum in Pontificia ditione. In mandatis habuit art. 5: « Has Constitutiones ac ceteras quae in posterum in lucem prodierint, diligentissime servandi ». Eversa de facto Pontificia ditione, hae quoque ordinationes corruerunt. Inde factum est ut praefatae scholae, quamvis pontificiae, non reciderint suapte natura sub auctoritate dictae Congregationis, sed serius, et quasi in substitutionem; Consilium Directivi Scholae autem, et studia ordinata sunt, non a Const. « Quod divina sapientia », sed a legibus italicis; id vero curae fuit S. Sedi, ut studia profana cum pietate coniungerentur.

2.° Haec considerata sunt, quoad iuridicam conditionem scholarum. De Professorum iuridico statu, perpenderunt Domini, admitti non posse assertionem, eos nempe habendos esse in censu officialium, stabiliter addictorum S. Sedi. Hinc sibi vindicant quae statuta sunt a Const. « Sapienti Consilio », inter normas communes De stipendiis, n. 5, ACTA, vol. III, n.

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14. — 15 - 10 - 911. 37.

[*Latin ed. p. 538*]

538 Acta Apostolicae Sedis. - Official Commentary. Namely: "Salaries and stipends, as well as offices and positions, shall remain with their administrators, even for those offices which, due to the new organization of the Roman Curia, have either completely ceased to exist or have been fundamentally changed." However, it has been observed by the Lords that this Constitution appears to be a law concerning the Roman Curia, or the Congregations, Tribunals, and Offices that constitute that Curia, and therefore concerning the officials attached to that Curia; but if one were to ask these individuals to which Congregation, Tribunal, or Office they are attached, they would be unable to give a relevant answer. Indeed, they were dependent in their duties on the Sacred Congregation of Studies; but to depend on any Sacred Congregation, either directly or indirectly, either by ordinary or extraordinary law, certainly does not confer the title of being inscribed in the Roman Curia, so that it would provoke laughter, for example, if Regular Canons were to claim to be attached to the Sacred Congregation for Religious Orders, because they depend on its jurisdiction and guidance in many matters. The Reverend Fathers have not been misled to believe that officials attached to the Holy See can exist, even if they do not properly belong to the Roman Curia, such as those who work in the Papal Palace on insignia, buildings, and works, such as the Museums, in their preservation and expansion, or in the construction of new buildings, who nevertheless do not derive their legal status today from the Constitution "Sapienti Consilio," but from other laws or decrees specific to them. But neither can these individuals be included in this census, because they do not have a law specifically established by the Holy See that they can claim. Indeed, we have already demonstrated that neither the Leonine Constitution "Quod divina Sapientia" nor the Pius XI Constitution "Sapienti Consilio" properly pertain to them. Nor does it help to invoke the cited article of the Constitution "Sapienti Consilio," as a common and customary rule accepted by the Holy See for all cases; for this allegation does not flow from the letter of the law, which expressly concerns the Roman Curia, but neither from the intention of the law, because the invoked provision pertains to dispositions that are said to be temporary or contingent in the execution of the law, and from this, it is not intended to establish a firm and stable norm. Nevertheless, the Lords do not intend to deny that these individuals are to be considered among the administrators of the Holy See, and indeed, because they received salaries from the Holy See and worked in pontifical schools, these individuals served the Holy See, and its sacred purpose, namely, to educate young people with piety combined with secular disciplines. However, it must be recalled that these schools were private, governed by civil law; and the principles of public law already explained

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must be recalled, from which it follows that Professors, as administrators of the Holy See, can claim these rights against those that are contained in private agreements, and can claim the stability of their office.

[*Latin ed. p. 539*]

Saint Bonaventure, book 5, chapter 39, justly and deservedly, if this was included in the aforementioned agreements, either implicitly or explicitly. And in resolving this question, the Reverend Fathers observed that the stability of the office had not been established, which the Most Reverend Prelate asserted, referring to secret documents of the Holy Congregation, concerning the legal condition of the actions, "that he had believed it to be no different from that of 'other employees of the Holy See, who, without a fault, should not be dismissed.'" Furthermore, whoever was admitted to have mediated the contracts between the Professors and the Holy See, whether of employment, or mandate, or any unnamed agreement, it is undoubtedly the intention of the Holy See not to dismiss its Professors without a proportionately grave reason. The same was testified by Henry Valenti, namely: "When asked to 'compare the condition of the Professors with that of the employees of the Holy Congregation of Studies, he replied that those employees have the decree of the Supreme Pontiff, although he believes that without a serious reason, the Professors could not have been dismissed.'" For this purpose, the following condition was added to the contract initiated by the Holy Congregation of Studies with the Barnabite Fathers, under number 3: "That all current Professors presently working in the Institute should be considered to be in stable positions, and that the Barnabites shall not dismiss any of them, except for bad conduct, or for insufficient performance of their work or teaching." It was observed by the Lords that, not only did the Holy See not establish a stable position for the Professors, but that, on the contrary, how far this was from its will, from its purpose, the Holy See has repeatedly and in every way demonstrated; as declared by Natalucci in the words already cited. Indeed, the same Professor, recalling the merits of the Professors in the Holy See and in the civil republic itself, stated that there should be "discouragement that must necessarily arise in those who belong to it, from the precariousness of their employment." And from this, he concludes "that the governing body should support, within reasonable limits, the request made by them to the Holy Father," namely, to obtain a permanent appointment, or, failing that, a pension. At that time, the condition of the Professors was so clear that they were disheartened by the precariousness of their office, and they petitioned the Holy See to grant them a permanent appointment or a pension, if they should continue to provide their services in those schools for a certain period of time. They requested this, not because they distrusted the Holy See, but because they feared events that have often been stronger than human will. Natalucci reports: "Experience shows that the government seeks

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all ways to oppose Catholic teaching. It could therefore happen that the obstacles that are constantly being implemented would make it absolutely impossible..."

[*Latin ed. p. 540*]

540 Acta Apostolicae Sedis. - Commentarium Officiale. "It is either impossible or extremely difficult to maintain the existence of the Pontifical Institutes of Education, and therefore one should advise their closure. And this is perhaps the main reason that led the Professors to submit their request to the Holy Father, as also appears from the report that accompanies the project presented by them." Therefore, Natalucci, the rapporteur, was hesitant and more doubtful in spirit than in mind, since he wanted to consult with his colleagues so as not to harm the Holy See, and he adds: "But it is unfortunately necessary to consider that, by recognizing the stability of the Professors and their right to a pension, the Holy See could find itself exposed to paying significant sums without any direct and immediate benefit." Finally, Natalucci advised the Holy See to pursue a middle course of conciliation, namely, since there was no large sum of capital in the pontifical treasury from which pensions could be paid in the future, "the pension fund," nevertheless, the stability of the office should be recognized, but "the recognition of the stability of the position and the right to a pension would be subject to the circumstances of the times and the conditions of the Holy See." Subsequently, this was not entirely satisfactory to the Professors, but their condition was improved, since the Holy See had previously denied that it intended to assume any firm obligation: "that it did not intend to assume any stable commitment." What, then, was the outcome of the Professors' petition and Natalucci's advice as rapporteur? The Holy See did not accept either one, but while not recognizing the right to either jubilation or pensions, it promised to provide assistance to the Professors under certain conditions, and with the express condition stated in article 10, already mentioned, namely, that "the aforementioned regulations shall not, at any time or under any pretext, confer any legal right (namely, the possibility of legal action) in favor of the assisted persons." In article 3, already mentioned, any stability of either the schools or the offices is implicitly rejected. Moreover, since a promise from a good man is an obligation, the Holy See also refused to assume this moral bond, and therefore it ordered these regulations to be kept secret, and certainly it never formally intended to announce them to the Professors. Nor can these people complain about this, for they requested it as a favor, and the Holy See considered that it could not be obligated to grant what was requested, due to the unfortunate circumstances that would have to be endured. However, in the decree of 1890, certain regulations were approved "to which the Governing Council must adhere in assisting the Professors." While the Holy See only promises assistance and does not intend to obligate itself, and therefore it refrains

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from publishing these regulations so that the Professors would not rely too much on them, it could not have acted more justly and faithfully towards the Professors, whom it had shamefully deceived, if it had made many and easy promises in such circumstances.

[*Latin ed. p. 541*]

The Roman Rota. 541 Even today, those who are being dismissed complain that they have been deceived, because they claim to have been firmly convinced of the stability of their positions, since their positions, by their very nature, were stable, and that the very promises made to them by their superiors had undoubtedly assured them of this. Therefore, they demand not a pension, but their full salary, declaring that they are prepared to continue their work under the previously established conditions. The plaintiffs intend to prove their intentions primarily through witnesses who have been called to testify: 1. That the professors were unaware of the decree, specifically the decree concerning pensions, and especially article 3, which foresaw the suppression of the Institute. 2. That the professors, when the Institute was established by the Barnabites, had received promises and declarations, also intended to assure them of the stability of their positions. Regarding the first point, the witness Joseph Biroccini, Professor, who participated in drafting the draft of the controversial decree, states: "I do not recall at all that in that design or project, the case of the closure of the Institute was mentioned. The regulations were never communicated to us in their entirety, but Monsignor Guidi, Secretary of the Congregation of Studies, came to announce the good news to the Institute." The same witness testifies. Joseph Tuccimei, Professor, and Edward Persiani, Professor, testified: "I was not officially informed, but I understood that it contained an article relating to pensions to be granted to the teachers, provided that the conditions of the Holy See permitted it." Alexander Seganti, Professor, asserts that the professors were informed about the pensions decreed, but denies knowledge of the aforementioned article 3. The same witness, questioned in another examination regarding article 10 mentioned above, replied: "That when Professor Natalucci, as Vice-Dean, read the regulations to me, I knew of the existence of a similar article, an article that, when communicated to the other professors, cast doubt on the seriousness of the regulations themselves. However, Professor Natalucci, Vice-Dean of the Governing Council, who, especially delegated for the administrative part, was the actual superior, calmed their minds, saying that it was also intended to provide for the case in which the Pope would be forced to leave Rome." Constantini Aloysius, Professor, states: "Officially, no, I believe that privately, some may have read it: I am unaware of the article relating to the closure." And he continues: "It was a presumption of right, and by experience, it was also a presumption of fact, that the Holy See would treat the professors with kindness and generosity. Then things changed, because

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under Cardinal Satolli, the regulations concerning pensions were, in fact, abolished."

[*Latin ed. p. 542*]

542 Acta Apostolicae Sedis. - Official Commentary. Reverend Father Ferri-Mancini, Canon of the Lateran Palace, testified: "I was never officially informed of this, nor, as far as I can tell, privately, although I believe that privately it was communicated to some Professors, since it was discussed... The lawyer Natalucci repeatedly stated that the Holy See was unwilling to publicize pensions with written documents, and indeed refrained from even communicating appointments. However, everyone was confident that in some way provision would be made for them." Professor Augustus Persichetti testified, referring to article 3, adding: "If I had been aware of such an article, I would have acted differently in my own interests, as I could not accept such an uncertain condition." When asked whether this ignorance could be attributed to the fault or negligence of the Professors, he replied: "I knew of the existence of this regulation, and, convinced that it was inspired by justice and benevolence towards the Professors, I did not bother to examine it, especially since it would have had to be sought from the Congregation of Studies, where it was deposited, since it had not been made available to the Professors, and also because these provisions relating to the Professors were so jealously guarded that it seemed presumptuous to investigate them." Professor Alphonsus Mencacci replied: "The Regulation was never communicated in any way, and colleagues spoke of the existence of a regulation that had been approved, and that it would not truly contain the clause regarding the closure of the Institute." And when asked why he and his colleagues had not been particularly concerned about knowing the exact text of the decree, he replied: "Since there was a special commission entrusted with this type of matter, I was confident and at peace about the operations of the same." From these testimonies, the following follows: 1°. Several of the Professors had not been ignorant of the disputed decree, having read the very text, and indeed, it is permissible to conclude that all were sufficiently informed about the matter, since a "special commission was established entrusted with this type of matter"; nevertheless, all insist that article 3 was unknown to the Professors, or at least that they did not understand its meaning. 2°. Certainly, from the fact that the decree was not published or announced, and was kept almost secret within the Holy Congregation, the Professors did not deduce what necessarily followed, namely, that the Holy See did not want to grant what they had requested, or at least did not want to bind itself with a certain obligation, and therefore that their situation had not been considered with due security; on the contrary, they

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were led to hope against hope, and to believe that...

[*Latin ed. p. 543*]

St. Bonaventure states that certain fixed and unchangeable rites, established by official decrees, or at least a complete pension, should be granted if the Institute is lacking, and that these were based not on a contract, nor on a specific law or decree, but on a presumption, as Constantine said: "It was a presumption of right, and by experience, also a presumption of fact, that the Holy See treated Professors with kindness and generosity." And Ferri-Mancini confirms: "However, everyone was confident that in some way, provision would be made for them." This psychological fact, in some respects, reflects favorably on the Professors and on the Holy See itself, but it does not provide a basis for legal action.

3. The Professors were repeatedly given declarations expressing the mind of the Holy See in 1904, as recalled by Father Nespoli, who in his testimony stated: "The Professors always said that they had a right to a pension, something that was denied and is denied by His Eminence Cardinal Satolli, Prefect of Studies, and by Monsignor Dandini, the Secretary." Indeed, in the records, there exists a letter that Father Nespoli sent in October 1904 to the Cardinal Prefect of Studies, stating: "When the Congregation of Studies ceded the Barnabite Institute and the Angelo Mai Institute, among other things, it asked the Reverend Monsignor Dandini whether the professors belonging to it had a right to a pension. The Reverend Monsignor replied without hesitation: 'No, they do not have a right.' Now that the professors have learned this, they are in a true and continuous state of agitation, and they unanimously assert their right to a pension. As proof, they adduce the reasons that Your Eminence is requested to read in the memorandum presented to me, which I enclose with this letter." In this book, of which we have already quoted a part, they recount the history of the so-called decree on pensions, and assert: "The decree went into effect because many professors and employees, and their families, were receiving pensions. It is not true that the decree has been abrogated; even if it were, such an abrogation could harm new professors who are now taking up teaching positions, not those who were teaching in 1890, nor those who entered after the decree or who accepted the position knowing and understanding the favorable conditions."

Nevertheless, there are accounts of pensions being denied and, after much insistence, granted as a favor; hence, complaints, hesitations, and doubts. On November 28, 1894, the Sacred Congregation responded both in writing and in a document, mentioning the Angelo Mai and De Merode Institutes at the time of their founding, and the benevolence with which Pope Leo XIII treated them, stating: "Among the acts of benevolence, one must include the desire to grant them a pension to provide for their future. For this purpose, a regulation was drawn up, but with the explicit

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declaration that it was not intended to impose any obligation on the Holy See." The entire article 10 of the decree is quoted.

Subsequently, only two...

[*Latin ed. p. 544*]

544 Acta Apostolicae Sedis. — Official Commentary. "The professors had the good fortune to enjoy the agreed-upon benefit, but shortly thereafter, the economic conditions of the Holy See having worsened due to unforeseen disasters, the same Pontiff found himself no longer able to continue to be so generous with benefits as he would have wished, and recent difficulties led him to the determination to cease granting further pensions, which, indeed, in a hearing of June 1897, he ordered to be put into effect immediately." This was announced by the Sacred Congregation concerning past times; concerning the future, considering the petition of the Professors as a new request, it responded: "There are no funds allocated to grant pensions to the professors, these have never made any such request, and the Holy See is not in a position to support their desire; these are reasons that induce this Sacred Congregation not to submit the professors' request to a new and certain negative response. Therefore, there is nothing left to do but hope for better times." It cannot be denied that this response, so strongly requested by the Professors, was not immediately communicated to them by Father Nespoli, so that they might know the state of affairs and consider their own situation; however, there is no reply, no indication of surprise or deception: the Professors acquiesce, the condition of affairs remains the same, and faith perseveres, the peace of mind of the professors remaining in the most benevolent will of the Holy See. And indeed, what had been hoped for, what had been promised, what was commonly believed, happened shortly thereafter, namely, that the Holy See did not fail its professors, even after the suppression of "Angelo Mai," and granted subsidies in a larger measure than those that would have been provided for in the abolished decree of 1890. Concerning the second point, namely, the promised stability of office, Professor Joseph Biroccini testified: "When the Institute Angelo Mai was founded under the jurisdiction of the Sacred Congregation of Studies, new professors also entered, in addition to those who had taught in the paternal schools and in the Archiginnasio at the Pace (which were suppressed), and these new professors (as they told me) were assured that the position would be stable, and that even if they were not paid as by the Ministry of Public Education, nevertheless they would have the stability of residing in Rome, and would never be abandoned by the Holy See." The witness added: "When, due to the closure of the Institute, we went to Monsignor Dandini, he not only showed us and read to us the contract between the Sacred Congregation of Studies and the Barnabite Fathers, but also added that we should not lose anything, and that, by virtue of that contract, we had the right to the full salary." The Lords noted

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that the witness stated that some professors had related this.

[*Latin ed. p. 545*]

545. Concerning the Roman Lottery. It does not matter when this occurred. Furthermore, those Professors who, contrary to all custom and practice, were appointed without formal letters of appointment (just as with others), were certainly questioned by Professor Natalucci, or by another who was in a position to explain the intentions of the Holy See, which had been made known to the Directing Council of Schools, as to what this extraordinary procedure entailed. Natalucci himself states in his report: "The Directing Council, adhering strictly to the instructions received, did not fail to inform the individual professors and other staff of the aforementioned Institutes (De Merode, Angelo Mai, Antonio Canova) thereof, and therefore refrained from issuing them letters of appointment, limiting itself only to providing written notification to the directors of the Institutes and verbal communication to those selected." Therefore, if Natalucci, or another, acted differently and promised things that the Holy See never intended to grant, they would have betrayed their office, but would not have been able to obligate the Holy See. However, since there is no solid reason to impute this fault to these prudent men, it is likely, and it is permissible to conjecture, that they assured the Professors that the Holy See would not abandon them unless extreme necessity arose (which was highly unlikely). The Professors were chosen "primarily because they had never lacked a Roman domicile; which is something that no Roman citizen is ignorant of." Indeed, if they had devoted their services to the Italian government, they would have been subject to a much stricter discipline, and would have been obliged to leave the city, and perhaps even go further away, so that their love and dedication would be more closely bound to the ancient, eternal City. Roman jurists have said that a domicile is where a person "has established his permanent residence and the main part of his affairs and fortune" (from I. 7 of the Code on Citizens). Moreover, the loss of domicile in a Roman citizen is not compensated by five hundred or nine hundred gold coins per year. And the gentlemen pointed this out, not to detract from the faith and love of those devoted to the Holy See, but to respond to the argument based on the economic damages they had suffered. Indeed, there is something remarkable in all of this. The Holy See, through its methods of operation, through its explicit declarations, seems to discourage professors; yet these professors adhere more strongly to the pontifical schools. And in this, there is something human, or rather, beyond the present situation, which was not entirely unpleasant for them, there was a firm, solid hope that the Holy See would not abandon them. Other witnesses, Tuccimëi, Persiani, Seganti, Persichetti, Mencacci, assert that they all had a certain conviction about the stability of their positions, which wavered somewhat when the

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schools were entrusted to the Barnabites; but all doubt was removed by the Cardinal Prefect of the Sacred Congregation, and by the Prelate from the Secretariat of the same Congregation.

[*Latin ed. p. 546*]

546 Acta Apostolicae Sedis. - Official Commentary. The testimony of Aloysius Constantini, who stated: "I feared for the stable position given by the new regime that began in 1898-1900; then the Governing Council was dissolved, and the Professors remained without protection," differs somewhat. Although even this testimony does not entirely agree with the facts, as evidenced by a certain document; indeed, as early as 1888-89, the Professors were very concerned about their precarious situation, and in order to obtain assistance, they urged the enactment of a decree regarding pensions and benefits. Since the Professors placed great emphasis on the declarations and promises of Cardinal Satolli, as if he had guaranteed the stability of their positions without any doubt, the testimony of Charles Santucci, Count, Advocate, was examined, which was formulated as follows: "When Angelus Mai was about to be transferred to the Barnabites, two professors came to me, one of whom I believe was Professor Biroccini, expressing their serious concerns about their fate and asking me to go to the Most Reverend Cardinal Satolli. I actually went to the Most Reverend Cardinal, and as soon as I explained the matter to him, he replied: 'Tell these gentlemen, *Tremunt ubi non erat umor*,' which, in the course of our conversation, had for me the meaning that measures had already been considered to fairly protect the interests of the former Professors. However, the Most Reverend Cardinal did not go into particulars, and therefore I could not report to the Professors that the general assurance given with those words was sufficient to reassure them." The gentlemen noted that the promises and declarations made by the Most Reverend Prefect were vehemently spontaneous, affectionate, and almost lovingly reproachful, because the Sacred Congregation, in article 3 of the agreement by which the Barnabites were entrusted with the Scholae Barnabitis, had already stipulated: "all current professors must be considered; nor may the Barnabites dismiss anyone except for bad conduct," etc. However, in the agreement, while on the one hand it is stipulated that "the Congregation entrusts and permanently transfers and conveys the pontifical Institute Angelus Mai to the Congregation of the Barnabites," on the other hand, in article 4, the possibility is not excluded "that, for any reason, the Institute might cease or be closed"; nor is anything stipulated regarding the fate of the Professors when provision is made for the school's equipment, and this because nothing was intended to be changed regarding the Professors. For this reason, the Most Reverend Prefect "did not think it necessary to go into particulars... I could not (as a witness) report that the general assurance." The Professors' requests did not concern obtaining a new state of affairs for

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themselves, but rather that nothing be changed. They recount in a distressing letter given to the same Congregation of Studies in the year 1904, and already cited: "In 1902, the Congregation made the noted transfer, and the Professors were agitated..."

[*Latin ed. p. 547*]

St. Bonaventure, page 547: "Through the Count Santucci and a commission composed of Seganti, Rocchi, Tuccimei, and Biroccini, they urged the Most Reverend Cardinal Satolli to provide an assurance regarding their situation, and they received in response that they had been mistaken to fear, because they would lose nothing." They continue, stating that the events did not correspond to the promises obtained, not regarding the stability of the office, but rather concerning the fact that their condition would not be worsened: "The facts have not corresponded to the promises. There have been damages for all, and others individually. All have lost hope of promotion. Indeed, the Chair of Italian has become vacant in the Lyceum, and in place of Mons. Ferri-Mancini, the Reverend Father Ghignoni has been appointed. The bonuses have been lost." "But what has increased the disturbance is the matter of the Reggiani family. After that respectable old man died, his unmarried daughter, who was infirm in health and unable to earn her bread, was unable to obtain the pension." Furthermore, almost all the witnesses called in the case also mention Prelate Dandini, Secretary of the Holy Congregation, from whom, they say, declarations and promises were made, asserting with equal clarity the stability of the office. The witness, Father Vitale, was brought in by order of His Holiness: after explaining to the Fathers, who were already in session, that he had obtained from the Holy Congregation the authority to replace Father Barnabita as Professor of the Italian Language (as was done), he states: "Neither in the stipulation of the contract nor afterwards was there any mention of the removability of the Professors; rather, it was considered absolutely, both by the Congregation of Studies and by us, that the Professors were to teach perpetually. Secondly... the Reverend Monsignor Dandini repeated to me several times that, just as the Holy See would never be able to dismiss the aforementioned Professors without serious reasons of misconduct, so too we Barnabites were absolutely obliged to respect them." But these declarations, just like those made by Cardinal Satolli, seemed to the Fathers to accomplish nothing, since they referred to the existing agreement, by virtue of which the Barnabite Fathers could not attribute to themselves any power to dismiss the Professors, a power that the Holy See itself would not have, or to dismiss a Professor without a proportionately serious cause. However, other declarations, which are said to have been given by the Secretary Prelate after the suppression of the Institute, were presented to him in the judicial examination, but he replied that he had said that "the Holy Congregation was totally extraneous to the matter." In

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truth, the Fathers noted that, even if they had wanted to, neither the Prefect of the Holy Congregation nor the Prelate from the Secretariat could have obligated the Holy See. The Holy Congregation was extraneous to both the suppression and...

[*Latin ed. p. 548*]

548 Acta Apostolicae Sedis. - Official Commentary. concerning the establishment of schools, and therefore, by present judgment, are deemed extraneous. Therefore, if declarations and promises had been made in the midst of controversy, these have moral force by which those who made them are bound, but not legal force by which the Holy See is bound. Nevertheless, the Fathers carefully recognized that such declarations were made by individuals who were acting because they were those men whose duty it was to signify and manifest the mind of the Holy See, and to execute its decrees and will. The Lords considered it to have been rightly proven that the declarations and promises in question did not originate from this province; but they did not fail to note what was reported by the Reverend Dandini, Prefect of the Secret Congregation of Studies, in letters dated August 29, 1907, addressed to the Reverend Bressan, Secret Chaplain to the Holy Father, while the matter of suppressing the Institute was still being considered: "Several years after the official abolition of the pensions, the two Institutes were entrusted to two distinct Religious Orders for an agreed sum, and in the act of transfer, the personnel who were deemed redundant and who could not find a place in the new arrangement were thanked, and a gratuity was granted to each, for a single time; and it seemed that everything had passed into a settled matter." The documents presented prove that some officials were dismissed in this manner, specifically not professors; but it has now been recognized by the Lords that all and each of those who were attached to these Institutes are to be considered among the administrators of the Holy See. But from the words related by the Reverend Dandini, the Lords intended to conclude directly that his declarations, made before and after the suppression of the Institute, could not be presumed to have signified or intended anything contrary to the mind of the Holy See, and to the agreements which he himself knew and applied. Finally, the Lords examined the argument derived from Roman civil law, by virtue of which those who insist contend that the office of Professors possesses perpetuity, even if the Holy See had not recognized or intended this; for in these matters, there is more truth in fact than in the pronouncements of the law. The prescription of law 38 ff. concerning leases is invoked: "He who has let his services must receive the reward for the entire time, if he has not prevented the performance of the services." The opposing party readily admits that the matter at hand concerns the letting of services; but they object that the law does not apply to the case, because there was no predetermined time, since the Holy See declared that it did not wish to

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assume any stable obligation towards the professors, or one lasting for a certain time. The invoked law is commented on by D'Annibale (II, n. 494): "In such a lease, it is not permitted, before the defined time, either for the lessor to withdraw from the lease, or for the lessee to dismiss the lessor."

[*Latin ed. p. 549*]

The Roman Rota has ruled: "Unless there is a most just cause, the lessee shall lose the benefits of the lease for the past time, and the lessor shall not be obligated for the future." Therefore, even if the plaintiffs had proven the stability of their office, they still would have had to prove that there was not a most just cause for the termination, namely, the cause invoked in the Papal Decree, which allows for withdrawal from agreements and conventions.

However, if the stability of the office has not been proven, and if the Holy See has expressly stated, on more than one occasion, that it does not wish to assume such an obligation towards the professors, then it is permissible, for a just cause, to dismiss the professors. In the decree of June 1, 1909, the suppression of the Institute of Angelo Mai is decreed, citing economic reasons, and indeed, the Holy See has declared from the beginning that it will maintain schools only as long as its economic resources permit: and a just cause for the suppression of the professors was often and in various ways announced. It is legally permissible to terminate a contract for services when there is no defined term, as is derived from the cited law, 38 ff., concerning the lease of services: the canonists unanimously agree, as Reiffenstuel states in *De locato et conducto*, n. 90; Schmalzgrueber, *ibid.*, n. 72 seq.; St. Alphonsus, *Theologia Moralis*, Book III, n. 864; as well as the jurists Arndts-Serafini in the *Pandects*, Part 310 seq.; Serafini, *Institutiones Diritto Romano*, Part 137; Warnkoenig, *Commentationes Iuris Romani Privati*, Vol. 2, Book III, Chapter I, n. 615; Pacifici-Mazzoni, *Trattato delle Locazioni*, n. 268, 2nd edition, Florence; and Laurent, *Principi di Diritto Civile delle Locazioni dell'Opera*, Vol. XXV, Part III, n. 507 seq. (Milan, Società Editrice). This jurist extensively cites the jurisprudence of the tribunals of France and teaches that it is not uniform, but that it favors the resolution of this type of contract when there is no defined term, especially in public offices or those related to the state. Furthermore, the teaching of Cardinal De Luca (*Disputationes*, XX, n. 3 *De Regalibus*) is relevant. The compensation given by the lessee to the lessor takes the place of a just cause, as this Doctor also explains through jurisprudence, in the cited location. In our case, the Holy See also considered the compensation to the professors, granting them subsidies determined by the decree of 1890, even in a larger measure, as explained, and although that decree was revoked in 1897. Therefore, the Holy See has satisfied not only justice, but also equity and charity in every way.

Finally, the question was considered whether the present action concerned a lease of services, or rather a mandate, or an unnamed contract. It is

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debated among jurists (as can be seen in Pacifici-Mazzoni, *Op. cit.*, *Delle locazioni*, and Laurent, *Op. cit.*, Vol. XXVII, *Del Mandato*, Chapter 1), whether professors are leasing their services, like artisans, or rather, whether they are providing services by mandate. However, the Fathers considered that, in reality, it was a lease of services.

[*Latin ed. p. 550*]

550 Acta Apostolicae Sedis. - Official Commentary. Works, whether intellectual or manual, are undertaken, and thus Cardinal De Luca, in "De Locato et Conduci," in Summa, No. 37, considers them indiscriminately. However, a mandate is not understood if someone who leases services to another does not act in the name of the person he represents or is authorized by. Although the leasing of services is included in the mandate, the specific quality of the mandate lies in the fact that the authorized agent acts in the name of the principal, as Laurent rightly points out, in the aforementioned work. This is not the case with professors who teach young people in their own name, even though they do so by commission or at the order of another who is obligated to pay them a wage or salary. Some have considered professors to provide services more by mandate than by lease, because a mandate is a gratuitous contract, not one involving an agreed-upon salary, but rather an honorarium, which is more fitting for professors who provide services of immeasurable value. This is a noble concept, but not a legal one, for the reasons given; although the remuneration paid to professors is commonly called an honorarium, it is not so in the sense of Roman jurisprudence, nor in the execution of a mandate, which is inherently gratuitous. This contract would be much less favorable to professors, because it admits of a much easier resolution, as Laurent explains, citing common law. Therefore, the Lords concluded that the professors were certainly not deceived by the Holy See; and if they were deceived, the rule of law 86 in 6 applies: "Damage which one suffers through his own fault, he must bear, not impute to others." It is not permissible to argue that the professors were given credit based on a trust, a confidence invincibly held in the Holy See, in its maternal benevolence, for the Holy See, as the Blessed Father felicitously expressed in his Chirograph, dispenses and administers the alms of the faithful, and provides for countless needs. Therefore, it is not permissible, in the name of piety, benevolence, and generosity, to give something that is taken away from others to whom the Holy See itself is indebted: this is the current condition of the Holy See, harsh but true, alien to its purpose, to its charity, to the history of past times; but this is the current condition of the Mother Church, here in Rome. After carefully considering and examining all of the above, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, decide, declare, and definitively sentence: "It does not legally follow that the full amount of the stipend must be demanded in this

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case," or, in response to the doubtful proposition: "Negatively, or it does not legally follow." We also decide and determine that the expenses have been compensated between the parties, except for the expenses incurred by the PP. Barnabites in connection with this matter.

[*Latin ed. p. 551*]

Diary of the Roman Curia. 551 cases definitively decided on April 14, 1910, the expenses of which must be borne by the parties. Thus we pronounce, ordering the Ordinaries of the places and the Ministers of the Tribunals to whom this pertains to enforce this our judgment, and against those who resist, to proceed according to the Holy Canons, especially chapter S, session XXV, concerning the Reform of the Council of Trent, employing executive and coercive means which may be more effective and appropriate for the circumstances. Rome, July 25, 1911. L. M. Lega, Dean, Presiding. Frederick Cattani. Anthony Perathoner. S. Sac. Tancredes Tani, Notary. DIARY OF THE ROMAN CURIA. HOLY CONGREGATION OF RITES. NAMES. October 7, 1911. – By a note from the Cardinal Prefect of the Holy Congregation of Rites, Monsignor Aristide Gasparri, he has been appointed Assistant in the same Congregation. SECRETARY OF STATE. APPOINTMENTS. His Holiness, with a note and a Brief from the Secretary of State, has deigned to appoint: Domestic Prelate. September 15, 1911. – The Reverend Canon Arturo Poggioli, Primicerius of St. Petronio in Bologna.

[*Latin ed. p. 552*]

552 Acta Apostolicae Sedis. - Official Commentary. HONORS. The Holy Father, through a letter and a brief from the Secretariat of State, deigned to bestow the following honors: The Knighthood of the Order of Saint Gregory the Great: September 27, 1911. – To Mr. Architect Agostino Chomel, of Lyons. The Knighthood of the Order of Saint Sylvester the Pope: September 30, 1911. – To Mr. Francesco Rissing, of Menden in the diocese of Paderborn. NECROLOGY: September 17, 1911. – Monsignor Amando Olier, of the Marists, titular Bishop of Tipasa, Apostolic Vicar of Central Oceania. October 1st. – Monsignor Camillo Sorgente, Archbishop of Cosenza. – Monsignor Mauro Nardi, of the Minor Capuchins, Bishop of Thebes. October 10th. – Monsignor Tommaso Costa y Fornaguera, Archbishop of Tarragona. October 9th. – Baron Atanasio de Charette de la Contrie, Colonel of the Pontifical Zouaves Regiment and Brigadier General in the French Army, Knight of the Golden Militia, or Golden Spur, etc.

[*Latin ed. p. 553*]

Year III. - Vol. III. November 10, 1911. No. 15. OFFICIAL COMMENTARY OF THE ACTS OF HIS HOLINESS, POPE PIUS X. APOSTOLIC CONSTITUTION CONCERNING THE NEW ECCLESIASTICAL HIERARCHY IN ENGLAND. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL MEMORY OF THE EVENT: If there is any church in the

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entire Christian world that deserves the particular care and providence of the Apostolic See, it is certainly the Church of England; which, from its blessed beginnings among the Britons by Saint Eleutherius, and then strengthened by the apostolic men of Gregory the Great, has produced countless sons who have been ennobled, either by the sanctity of their lives, or by their most glorious deaths, bravely sought out for Christ. Considering this with our own minds, and indeed fostering no less a desire for the good of the Church of England, we have decided to better organize the ecclesiastical hierarchy there, which today, after its restoration, is contained in only one province, and to add to it those things that would easily contribute to the great good of souls and the growth of the Catholic faith, namely, to establish two new ecclesiastical provinces. Therefore, with these letters, we establish the ecclesiastical provinces of Birmingham and Liverpool. Three.

[*Latin ed. p. 554*]

554 Acta Apostolicae Sedis. - Official Commentary. Therefore, in the future, the ecclesiastical provinces in Anglia will be: Westmonasteriensis, to which the suffragan sees of Northanthoniensis, Nottinghamensis, Portusmuthensis, and Southwarcensis will be subject, as before; Birmingamiensis, to which the suffragan sees of Cliftoniensis, Menevensis, Neoportensis, Plymutensis, and Salopiensis will be subject; and finally, Liverpolitana, which will have the suffragan sees of Hagulstaelensem, Novocastrensem, Loidensem, Medioburgensem, and Salfordensem. Furthermore, the Archbishop of Westmonasteriensis, currently in office, will retain certain prerogatives to maintain the unity of governance and action, namely: 1.° He himself will be the perpetual bestower of episcopal appointments for the entire territory of Anglia and Cambria; and for that reason, he will be the one to convene assemblies and preside over them, according to the norms in force in Italia and elsewhere; 2.° He will enjoy precedence over the other two Archbishops, as well as the use of the pallium and the chair, and the privilege of the crosier throughout Anglia and Cambria; 3.° Finally, he will represent the entire Order of Bishops of the region of Anglia and Cambria before the supreme civil authority, always, however, after having heard all the Bishops, whose opinions he must follow in the majority. The Archbishops of Birmingamiensis and Liverpolitana will, however, enjoy the same privileges and rights that other Metropolitans possess in the Catholic Church. Moreover, as a special grace and as a sign of Our greater benevolence, We benignly grant, by these very letters by which the new provinces are established, that the Reverend Eduardus Ilsley, until now Bishop of Birmingamiensis, and Thomas Whiteside, until now Bishop of Liverpolitana, be raised to the rank of Archbishop of the same sees, which have been elevated to metropolitan status, without any further Apostolic letters being issued. For the execution of all of these matters, We appoint Emum Pranciscum Bourne, currently Archbishop of Westmonasteriensis,

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who will, after fulfilling his mandate, transmit a testimony and a copy thereof to the Sacred Congregation Consistorial.

[*Latin ed. p. 555*]

Acta of Pope Pius X, 555. Furthermore, in this new constitution concerning the diocese of England, certain other matters, for the sake of expediency, or as experience and the good of souls may suggest, We have reserved for future determination. But those things which are established in these letters at the present time, We believe to be sufficient now for the benefit and growth of the Catholic cause in England, confident that Almighty God will perfect and strengthen that which is accomplished here by human ministry; and thus, "that in England, the most noble sanctuary of saints, examples of sanctity may flourish more happily." These things, therefore, We decree and establish, declaring that these Our letters shall always be valid and efficacious, notwithstanding any Apostolic constitutions and ordinances, general or special, or any other things whatsoever to the contrary. Given at Rome, at Saint Peter's, in the year of the Incarnation of the Lord one thousand nine hundred and eleven, on the fifth day before the Kalends of November, in the ninth year of Our Pontificate. A. CARD. AGLIARDÍ C. S. B. E. Chancellor. CARD. DE LAI S. C. Consistorial Secretarius. Seen and approved. [Signature] M. RIGGT C. A., Notary Regular in the Apostolic Chamber.

I. CONCERNING THE TRANSFER OF CLERICS TO THE TRIBUNALS OF LAY JUDGES. However diligently laws are enacted, it is often not possible to prevent all doubt, which may subsequently arise from their subtle interpretation. Sometimes, indeed, the opinions of jurists, who have applied their knowledge to the nature and force of the law, are so diverse that what is established by law cannot be known otherwise than through an authentic declaration.

[*Latin ed. p. 556*]

556 Acta Apostolicae Sedis. - Official Commentary. What we have observed to have occurred after the Apostolic Constitution was promulgated, by which the limits of the censure of excommunication are defined. Indeed, among the authors who have written commentaries on that Constitution, a great controversy has arisen concerning its very seventh chapter; whether the term "Cogentes" refers only to legislators and public officials, or also to private individuals who compel a judge, whether by appeal or by initiating legal action, to bring a cleric before his tribunal in *Clerac*. The Congregation of the Holy Office has declared, once and again, what value this chapter has. Now, in this present injustice of times, when no account is so often made of ecclesiastical immunity, so that not only Clerics and Presbyters, but even Bishops and the very Cardinals of the Holy Roman Church are brought before secular courts, the matter demands that we,

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in order to restrain those whom the gravity of the offense does not deter, hold them back with the severity of punishment. Therefore, by Our own motion, We decree and ordain the following: Whoever, whether lay or of the sacred order, compels any ecclesiastical person, whether in a criminal or civil cause, to appear before a secular tribunal without the permission of ecclesiastical authority, and publicly compels them to be present there, shall incur excommunication *latae sententiae*, reserved in a special manner to the Roman Pontiff. And that which has been established by these letters, We will that it be firm and valid, notwithstanding any contrary provisions. Given at Rome, at St. Peter's, on the ninth day of the month of October, in the year 1911, in the ninth year of Our Pontificate. PIUS PP. X. CONCERNING CERTAIN MATTERS, IN ORDER TO PRESERVE THE ELECTIONS AND PRIVILEGES OF THE MINOR FRATERS OF THE ORDER, REGARDING PERSONAL MATTERS. That the union of the four Families of the Minor Order may be more secure, which possess the same rights and the same minor title, whether Regular or Strict Observance of St. Francis, as one body...

[*Latin ed. p. 557*]

The Acts of Pope Pius X, page 557, constituted the core [of the matter], and in order that the work happily begun by Leo XIII, of blessed memory, might more easily progress, We deemed it necessary to completely eliminate a certain permanent and always more serious cause of discord and mutual distrust, which arose from the merging of many Provinces of the Brothers Minor, having diverse inclinations, usages, and customs, according to the different families to which they belonged, by restoring the ancient Provinces, which urgently implored Us to do so, and which, due to the increase in the number of priests and for other reasons, could be newly constituted, to their autonomy, while nevertheless preserving the perfect union of Constitutions and Governance, prescribed by Leo XIII; and with this end in view, so that the aforementioned Provinces might have distinct and separate territories, with the exception made for certain large states belonging to some Provinces. With these means employed, the promise made and repeatedly reiterated from the beginning by the Superiors, who promoted the union, was renewed; by this term, they intended to signify not a fusion, nor the destruction of the Provinces, but a complete unity of legislation and governance, forming only one great Minorite family, perfectly united. That fusion of the Provinces, made by the Superiors, was done in good faith; but the noble end, which they had in view, in practice, caused the minds of many to become more divided: therefore, the living desire, and the humble petitions, which many religious presented to the Apostolic See, were rashly and unjustly rejected, not even excluding those of the most distinguished, on account of their singular virtue, knowledge, and authority, so that within the union, the ancient autonomy might be

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restored with regard to their respective Provinces, and thus the source of discord might be removed, which, especially in Italia, constituted a very grave, indeed an imminent danger of the complete ruin of the most holy union, established by the blessed Felicity. Having thus removed the principal cause of dissension, now, every effort must be made, so that in this great Minorite family,

[*Latin ed. p. 558*]

558 Acta Apostolicae Sedis. - Official Commentary. With steadfast love, which we have always shown and continue to show, in order that the general, provincial, and local governance of the entire Order may be made easier, more effective, and more salutary, and furthermore, that in all General Chapters, when, every sixth year, as prescribed by the Constitutions, those who enjoy the right to vote in General Chapters convene together, elections for the General Minister and the General Definitor should always be held, with a duration of time not dissimilar to the present practice. But since, as experience teaches, an excessive number of advisors is more harmful than beneficial to sound governance; it is necessary that the number of Religious who enjoy the right to attend the definitorial bodies be restricted. It is also desirable that the Order recognize who, by right, should fill the positions of General Minister or Provincial, whether the seat is filled or vacant; that elections be held with mature deliberation, with great seriousness and piety, entirely removed from the abuse of repeated ballots with an excessive number, which has often been deplored, and which, in some way, undermines the due respect for both those elected and the electors; that new elections are always carried out according to the proper norms and within the proper limits. Furthermore, since titles of honor, the right of precedence, and exemptions, or personal privileges, granted as a temporary reward and as earthly honor, easily divert religious families from the full observance of regular discipline, and very often even from true individual progress in virtues, which many of the most worthy sons of the Seraphic Master, Saint Francis of Assisi, most fervently desire and urge, that such honors and privileges, which in practice amount only to personal and earthly advantage, be removed from the Order; and since such a request is entirely in accordance with Our desires; therefore, we abolish, annul, and revoke the aforementioned privileges, with the exception, however, for former Provincials and for those Brothers who have held the two highest offices in the entire Order, that is, for former General Ministers and former General Procurators, and for the latter, also because of the office.

[*Latin ed. p. 559*]

The Acts of Pope Pius X, 559, state that the Procurator General will be joined by a Delegate or a General Vicar. However, this does not exclude, but rather includes, the fact that the Fathers, who have expended or are

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expending their strength for the good of the Order, should strive, both individually and collectively, to show special reverence, to express their gratitude, in the spirit of true love, charity, and a certain sense of equity; but that mutual and holy competition, in which subordinates will assist and honor their superiors and others who are already benefiting them, and in which these superiors will strive with all their might to promote the less fortunate, and the more they are detached from any desire for honors and special favors, the greater will be their merits, both past and present. This zeal will be most pleasing and blessed in the sight of God, and by the Seraphic Father, that the apostolic men, most learned professors of sacred sciences, and outstanding educators and directors of the Brothers Minor, will be content to have no other title or privilege of honor, than to live humbly in the House of God, to seek the last place, and to desire no reward for their works on earth, so that they may more securely attain greater rewards, imperishable honors, and the greatest recompense in eternal blessedness. Therefore, with this present decree, we enact, we decide, we command, that the following be observed and observed perpetually: I. There shall be only six General Definitors, of whom two shall be for the Italian language; one for the German language; one for the English language; one for the French language; one for the Spanish language. II. However, for the purpose of this, the language to be used shall also be that of an empire, kingdom, or region, with languages and regions that are related or neighboring, provided that a person with true expertise in the language designated in the preceding article is chosen. III. The office of the Minister, Procurator, and General Definitors shall last for only six years. After the first six years, however, the Minister, Procurator, and only two of the Definitors may be re-elected for a second six-year term, for a reasonable cause.

[*Latin ed. p. 560*]

560 Acta Apostolicae Sedis.. - Official Commentary. [In elections], provided that they obtain the favor of two out of three parts of the votes. For a subsequent six-year term, the permission of the Holy See is required. I. In the elections of the General Minister, the General Procurator, and the Provincial Minister, if, after the third scrutiny, no election is held, a fourth scrutiny shall be held, in which two Fathers who have obtained the greater number of votes shall have a voice; and if the votes are equal, the one who is older in religion shall be declared elected. II. In the elections of Definitors, whether General, Provincial, or of other Superiors or officials, for the purpose of secret ballots, if the first and second scrutinies are unsuccessful, a third scrutiny shall be held, in which a relative majority of votes is sufficient; and if the votes are equal, the one who is older in religion shall be proclaimed elected. V. Ministers, Custodes, and Definitors Provinces shall remain in office for three years. Provincial Ministers, Custodes, and two

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of the Definitors may be re-elected for a second three-year term; but for a subsequent three-year term, the permission of the Holy See is required. VI. The Guardians shall remain in office for three years, or from Chapter to Chapter: all annual or intermediate congregations are entirely abolished. After three years, the Guardians may be elected for another term; after a second three-year term in the same community, the permission of the General Minister is required. For a third three-year term in the same community, and for a fourth three-year term in another or other communities, the permission of the Holy See is required. VII. In the absence of the General Minister, the General Procurator, and in the absence of the Provincial, the Provincial Custos shall perform the duties of the General Delegate or Provincial Delegate, respectively; who, when the office is vacant, shall also assume the title of General or Provincial Vicar, respectively. VIII. All titles of precedence and exemptions, whether by right or by custom, currently in force within the Order, because the Superiors are not present, are entirely abolished. Only former Ministers and former General Procurators, always and everywhere, and former Provincial Ministers during the immediately preceding three years, but only in their Province, retain their title.

[*Latin ed. p. 561*]

Acta of the General Chapter, X, 561, may have precedence over the active and passive voice in the general chapters and those of the proper Province, if the matters concern the former General and former Procurator, and in the Provincial Chapter, if the matters concern the former Provincial. However, no one, even if he is a former General, shall have a place or a voice in definitorial, general, or provincial congregations. IX. Reforms of the studies shall be made, and norms for the establishing of Lectors, with the suppression of titles of offices that are not actually exercised. X. The Constitutions of the Order shall be reformed within six months, according to the prescriptions in the present decree, and this shall be done by a special Commission designated by the Holy See, with the addition of other necessary and opportune modifications, so that they may fully conform to the present canonical prescriptions, so that abuses, which have recently arisen here and there, may be eliminated, and so that the truly seraphic spirit may flourish more effectively and abundantly throughout the entire Order, and may receive ever new growth. However, this reform of the Constitutions does not imply a substantial change of them, but only a new edition, with the suppression or modification of those things that contradict these Our prescriptions, and with amendments and additions that are opportune and necessary. The names of the Moderators of the General Curia of the Order of Minor Friars, reformed by these Our prescriptions, whom We have elected and appointed, We command to be published in a separate document. Regarding the Commission for preparing the new edition of the Constitutions, We shall take care to communicate Our will to the new Superiors. Finally, to

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the General Superiors, for the greater good and growth of the entire Order, We shall give opportune norms of governance. Contrary things, even those worthy of special mention, do not hinder in any way. Given at Rome, near St. Peter, on the 23rd of October, in the year 1911, in the ninth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 562*]

562 Acta Apostolicae Sedis. - Official Commentary. LETTERS. I. TO THE MOST REVEREND ARCHBISHOPS AND BISHOPS OF CANADA, AFTER THE HAPPY CONCLUSION OF THE PLENARY COUNCIL. Venerable Brothers, greetings and the apostolic blessing. — You should know that We were greatly pleased to receive your common letter, as soon as you solemnly concluded the Plenary Council of your churches; although, during this interval, We have received nothing in return in the form of letters from you: now, however, after the acts of that Council have been examined and approved by this Apostolic See, We have considered it fitting to write to you, Venerable Brothers, to congratulate you. — Indeed, We have already sufficiently declared how much We love and cherish the Church of Canada, as was demonstrated by the celebrated gathering held in Marianopolis in honor of the most holy Eucharist, and also by the solemnities held to commemorate the founding of the city of Quebecensis. Furthermore, it is well known that such charity has been constant among Our Predecessors. Certainly, the growth of this Church to its present extent has been due to many factors, namely, the prudence of the most distinguished men who were its first founders, and the virtue of those who devoted their very lives to it, and the diligence of both Orders of the Clergy, and the care and attention of the sacred pastors who governed it in order: but above all, it has been due to the grace and paternal care of the Roman Pontiffs, who have never ceased to be present to it in all circumstances, and to promote its growth. Hence, these are the closest bonds of love that hold you all united to the Apostolic See, and which, by strengthening the bond between the clergy and the people and with their bishops, bring great strength to your affairs. Nor should we pass in silence those who govern the state; whose equity and wisdom are certainly commendable, because they do not, as is often the case, odiously restrict the sacred power, but allow it all freedom of action: for the more widely the beneficial power of religion influences the lives of men, the better it is for the prosperity of the state. — Indeed, it seems to Us that you have taken the best course to foster the Christian spirit in these regions, to sharpen the practice of good virtues, and finally, to strengthen, in some measure, the Church of Canada, by holding the Plenary Council; and We congratulate you most sincerely on its successful

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and joyful outcome. For these were of great importance to Us.

[*Latin ed. p. 563*]

The Acts of Pope Pius X, 563, express our joy, that the citizens of Quebec – that illustrious city, chosen by the Council, which has spread Christian wisdom far and wide among the Canadians – you, as assembled Fathers, have pursued with the utmost diligence, with the greatest honors, and with great joy; that you, and especially that distinguished man who held Our position as Apostolic Delegate, have given the most honorable signs of esteem; that among you, even when difficult and complex matters have come before you for consultation, there has always been complete agreement of minds. We are certain that the matters which you have commonly discussed and decreed will surely bear excellent fruit, provided that they are properly observed, which we confidently expect. Although you yourselves see what is most necessary to be done at this time, and you have not only deliberated about it, but have also reminded the clergy and the people through Synodal Letters, there are certain things which seem to us to require your particular diligence. Therefore, first, we wish that you, with prudence indeed, but perseveringly, strive to eliminate completely any disagreements that still exist among Catholics, due to differences of origin and language. For nothing is more fitting for people of the same faith and the same flock than to be entirely of one mind with each other; and nothing is more necessary for promoting the religious life in this vast region than this concord. Secondly, we urge all Catholics not to cease to demonstrate, both privately and publicly, their faith. For we cannot, through our efforts, restore all things in Christ, unless, besides the morals of individuals and domestic society, also civil institutions are permeated by the spirit of Christ. To this end, since the precepts of Christian wisdom must be commonly known, it is necessary that you, Venerable Brothers, and all those who are concerned with souls, diligently ensure that in schools, the instruction in religion is never neglected, but is held daily at certain hours, and indeed in such a way that the children may acquire not only a true knowledge, but also a love for the Church, their Mother, and for the heavenly doctrines which she transmits. Furthermore, in colleges and Catholic universities, young people should be educated more deeply in the knowledge of religion, so that they may not be exposed to danger when dealing with non-Catholic citizens, and so that they may be able to refute, through reasoned argument, the prejudiced opinions that are hostile to the light of the Gospel. And finally, this is what we most desire of you: that you invite those who are separated from us in matters of faith, those who have been led astray, to return to the fold of the Church. For it is the duty of pastors not only to guard the sheep that are gathered together, but also to bring back those

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that have strayed.

[*Latin ed. p. 564*]

564 Acta Apostolicae Sedis. - Official Commentary. There are Canadians who are not Catholic, and for the majority of them, it is necessary, with diligent effort, to present the light of truth to them, so that access to the one fold of Jesus Christ may be opened and secured. We are confident that you, so concerned for the salvation of souls, will diligently strive for this. We impart, with most fervent affection, the apostolic blessing to you, Venerable Brothers, and to your clergy and people, as a testament to the divine gifts and to Our special benevolence. Given in Rome, at St. Peter's, on the tenth day of the month of July, in the year 1940, in the eighth year of Our Pontificate. PIUS PP. X. II. TO THE DISTINGUISHED GENTLEMEN BALFOUR OF BURLEIGH, ROSEBERY, JAMES DONALDSON, GOVERNORS OF THE UNIVERSITY OF ST. ANDREAS IN SCOTLAND, CONCERNING THE CELEBRATION OF THE 500TH ANNIVERSARY FROM THE FOUNDATION OF THE UNIVERSITY. Distinguished Gentlemen, greetings. — Since you recently announced solemn and festive days for the celebration of the five hundredth anniversary of this Academy in the coming month of September, you rightly considered that this Apostolic See, to which your institution owes its standing by its authority, should not be absent from your society in Leticia. Therefore, in the first place, you took care to earnestly request Us, through a letter full of duty, to participate in those secular celebrations. Indeed, we would gladly fulfill this request; and we offer you special thanks for your kindness towards Us. We earnestly pray to God that the light of His wisdom may always be present in your studies, and that He may unite you, who honor the memory of Our predecessors, who have deserved well of this Academy, with Us in perfect charity. Given in Rome, at St. Peter's, on the tenth day of the month of July, 1941, in the eighth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 565*]

From the Acts of Pope Pius X, 565, III: To the Most Reverend Father Stephen Ehses, Apostolic Notary, upon receiving the fifth volume of the work by the Goerresian Society, dedicated to illuminating the Council of Trent.

Beloved Son, greetings and the apostolic blessing. — We have already praised the Goerresian Society on several occasions for promoting literary studies among Catholics in Germany, both for the diligence with which it pursues its excellent purpose, and especially because it has undertaken to illuminate anew the Council of Trent, having gathered and compiled all kinds of historical documents from every quarter. Indeed, this laborious and learned work bears fruit not only in that it allows a fuller and more certain understanding of the acts and decrees of the great Council, but also

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in that it reveals how much doctrine and study, how much counsel and prudence, the Fathers of Trent brought to bear. Now, however, since the fifth volume of the work has been published, and this is due to your own diligent efforts, We gladly bestow upon you singular praise and express Our gratitude, all the more because, out of piety towards Us, you have dedicated it to Us. Therefore, continue, beloved Son, to devote your efforts and studies to the Holy Church, as you do: and know that We hold you and all your colleagues from the Goerresian Society in Our special esteem, and bestow upon you the apostolic blessing, which We impart to you with fervent prayer, that you may receive the aid of divine grace.

Given at Rome, near St. Peter's, on the twentieth day of the month of July, in the year 1911, in the eighth year of Our pontificate.

PIUS PP. X.

IV. To the Most Reverend Father Edward Likowski, Titular Bishop of Aurelopol, Vice-Sacristan of Posen, completing ten years of priesthood.

Venerable Brother, greetings and the apostolic blessing. — We have learned that solemn congratulations are being offered to you by your people, upon completing ten years of priesthood, and We have taken care to ensure that this is made known by electric telegraph. We heartily commend you in Our prayers on that day. But your outstanding merits before the Holy Church, which make you so dear to Us, seem to require a more expressive manifestation of Our sentiments.

[*Latin ed. p. 566*]

566 Acta Apostolicae Sedis. - Official Commentary. are distributed. Wherefore, we send this letter to you, that it may confirm Our benevolence and charity towards you, and announce health and prosperity for many years, and, as a harbinger of divine graces, impart the apostolic blessing, which We, Venerable Brother, bestow most lovingly upon you, and upon both Our beloved clergy and people of Gnesen and Posen. Given at Rome, at St. Peter's, on the twenty-sixth day of the month of September, in the year 1911, in the ninth year of Our Pontificate. PIUS PP. X. TO THE MOST BLESSED FATHER, REVERENTLY PRESENTING THE EXEMPLARY VOLUME "SUNTO DI STORIA POLITICA, TERZA EDIZIONE," TO THE REVEREND ALOYSIUS TALAMONI, PROFESSOR AT THE MODENA SEMINARY. Beloved Son, greetings and the apostolic blessing. — Since for many years past We have sufficiently learned that you have diligently devoted yourself to the instruction of the students of the Modena Seminary, not only with diligent study but also with the integrity of doctrine, We have gladly received, through your recently printed and collected readings, the active and correct work of your teaching, so that, as it were, beyond the limits of place and time, it may be perpetuated and also spread to other

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seminaries. The first copy of this volume, reverently presented by you to Us, has testified to your veneration for the Roman Pontiff, and has also been pleasing and welcome to Us for this reason. Therefore, rejoice, since you have pursued truth in all things, and nothing should be feared by you; no agitation, especially from enemies, namely, the modernists, should cause you alarm; but rather, do not cease to persevere in vigorously defending the truth, especially with Our favor, which We rightly and deservedly grant you, not only so that it may add a reward and solace to the labors undertaken by you, but also so that your students may receive a considerable stimulus of zeal and study from the honor of their teacher. As a special sign of Our affection for you, may the apostolic blessing be, which We impart to you, beloved Son, and to all your students, wholeheartedly in the Lord. Given at Rome, at St. Peter's, on the fifth day of the month of October, in the year 1911, in the ninth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 567*]

Acta Pontificum, Pius PP. X., 567, VI. "To the Most Reverend and Most Reverend Fathers, Bishops of Helvetia, concerning matters commonly signified, greetings and the apostolic blessing. Venerable Brothers, we give you thanks for what you have recently sent us, through the common office of letters. In them, we were very pleased with your grave request concerning this quinquagenary commemoration, which has been most injurious to the Apostolic See, and with your expression of sorrow, that everywhere almost, the hostile force of the nations seeks to destroy the Church. Indeed, in such bitterness of things, we are especially sustained by divine faith, when we consider that Jesus Christ is present with us, and that He will never abandon His Church. But nevertheless, Venerable Brothers and beloved sons, you give us some comfort, who share our anxieties and troubles, as you yourselves do. And it is also pleasing to us that you write that the use of the most holy Eucharist, after the prescriptions which We have issued concerning it, has begun to increase in your people; and that you testify that the children are admitted more readily to the celestial banquet, as decreed by Us, that you apply and will apply all diligence. Therefore, we do not urge you to pursue the holy aims; for we are aware of your diligence; but that your labors may be fruitful, we bestow upon you, Venerable Brothers, and upon your clergy and people, our divine favor, and our apostolic blessing. Given in Rome, at St. Peter's, on the tenth day of the month of October, 1911, in the ninth year of Our Pontificate. PIUS PP. X."

[*Latin ed. p. 568*]

568 Acta Apostolicae Sedis. - Official Commentary. SACRED CONSISTORIAL CONGREGATION

I. CIRCULAR TO THE ORDINARIES OF ITALY REGARDING "THE HISTORY OF THE ANCIENT CHURCH" BY MONS. LUIGI DUCHESNE.

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It has come to the attention of the Holy See that the work of Duchesne, "The History of the Ancient Church," has entered some seminaries and has been placed in the hands of students, if not as a textbook, at least as a reference work. Had it been known that those very individuals who oversaw the publication of this work, in a recent controversy, admitted that it is "a book reserved for scholars, for men of great learning, and not to be disseminated in seminaries," undoubtedly greater caution would have been exercised in admitting this work. But apart from this confession by those involved, I must bring to the attention of the Most Reverend Diocesan Ordinaries a matter of even greater gravity.

For, having doubted whether "The History of the Ancient Church" by Duchesne could be admitted, or at least tolerated, in seminaries, I, as was my duty, sought the opinion of competent consultants, individuals not only detached from the recent controversy, but of the highest integrity. And the vote was entirely negative; for, due to the studied and persistent omissions (which the author himself admits), particularly in matters of the greatest importance, especially those pertaining to the supernatural; for the doubts it raises about other matters, or for the manner in which it presents them, it not only fails to give the true concept of the Church, but it falsifies and distorts it enormously, presenting it almost as being devoid of those supernatural charisms upon which it is based, and without which it cannot be explained.

Furthermore, the account of the martyrs is such that not only does it cause a great number to disappear, but it often portrays them as being afflicted by fanaticism, thus undermining the powerful argument derived from their supernatural heroism in favor of the faith. Conversely, the persecutors are presented as men of genius, driven to persecution by a great political ideal. Even the Fathers of the Church, these true geniuses of humanity, emerge from this history diminished, and in some cases, annihilated. Moreover, the epic struggles for the faith against the heretics are often glossed over.

[*Latin ed. p. 569*]

569 Sacred Congregation of the Consistory. These [arguments] arise from frivolous disputes, the result of misunderstandings, which could easily be resolved; as if there were no substantial differences in the faith of the Fathers of the Church and that of Arius and others. And no less damaged are many other points of capital importance, such as the cult of the Most Holy Virgin, the state of the church of Rome, the unity of the Church, etc. Therefore, it has been judged to be extremely dangerous, and sometimes even fatal, to read this history, so much so that its introduction into Seminaries must absolutely be prohibited, even as a simple text for consultation. This matter having been referred to the Holy Father, His Holiness fully approved this opinion, and ordered me to make the

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appropriate communications to the Most Reverend Ordinaries of Italy: which I am doing with the present document. Rome, September 1, 1911. G. CARD. DB LAI, Secretary.

II. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Consistory, His Holiness Pope Pius X has provided for the following churches with their proper pastors, namely:

September 22, 1911. — To the cathedral church of Ecclesiensi, he appointed the priest Joseph Dallepiane, a presbyter of the diocese of Placentinae, as a canon of the cathedral church there and as Vicar General.

October 27, 1911. — To the titular archiepiscopal church of Nazianzus, he appointed the Reverend Father Dionysius Schüler, already the Minister General of the Order of the Friars Minor of the Leonian Union.

ACTA, vol. III, n. 15. — 10 11-911. 39

[*Latin ed. p. 570*]

Acts of the Apostolic See. - Official Commentary. 570 ON I. DECREE CONCERNING THE APPOINTMENT OF GENERAL SUPERIORS OF THE ORDER OF FRATI MINORI. Our Most Holy Lord Pope Pius X, by Divine Providence, on this day, October 23, 1911, has deigned to elect and appoint the following General Superiors for the Order of the Friars Minor, according to the terms of the Motu Proprio *Quo magis*: The General Minister, Father Pacificus Monza. The General Procurator, Father Placidus Lemos. The General Definitors: Father Franciscus Masulli, Father Josephus Bottaro, Father Petrus Begley, Father Ludovicus Antomelli, Father Golumbanus Dreyer, Father Valerianus Bendes. All of these, from the promulgation of this Decree, are declared to have legitimately entered into the possession of their respective offices, and therefore, they are to be held by Superiors and by all subordinates as true General Superiors of the Order of the Friars Minor, and to them, with faithful obedience, humble and religious reverence shall be rendered. All contrary things, even those worthy of special mention, are of no effect. Given in Rome, on October 23, in the year 1911. L. © S. FR. I. C. CARD. VIVES, Prefect. F. Cherubini, Undersecretary.

[*Latin ed. p. 571*]

Sacred Congregation for Religious. 571 II. LETTER TO THE REVEREND FATHER BERNARD JOSEPH DOEBBING, O.M., BISHOP OF SUTRINUM AND NEPESINUM, CONCERNING THE MOTU PROPRIO "QUO MAGIS," THE ACCOMPANYING DECREE, AND THE ELECTION OF THE REVEREND FATHER LUDOVIC SCHULER AS ARCHBISHOP, TO BE COMMUNICATED TO THE MINORITE FAMILY.

Most Reverend Monsignor,

The Holiness of Our Lord, Pope Pius X, desiring to give a testimony of His special love for the Order of Friars Minor, has deigned to order that

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the enclosed Motu Proprio and annexed Decree be promulgated by Your Excellency, as a Franciscan Bishop, especially delegated for this matter, before the General Curia and the entire Religious Family of the International College of St. Anthony on Via Merulana, for which purpose it has been convened in the church of said College.

Furthermore, the Holy Father desires that Your Excellency, in His august name, publicly thank the Reverend Father Schuler for his merits towards the Order, and for the good will and spirit of sacrifice with which he has governed it. As a solemn testimony of such benevolence, Your Excellency should also announce to the entire Religious Family that His Holiness has deigned to elevate the aforementioned Father Schüler to the dignity of Archbishop; and since this honor is not only for his most worthy person, but also for the special decorum of the entire Order, so dear to the Pope, His Holiness desires that it be accepted by him with humble and prompt obedience.

Moreover, the Holy Father commands, in virtue of holy obedience, the newly elected General Superiors to humbly and promptly accept the burden imposed upon them, striving to govern the Order with all diligence, so that it may always make new progress in the seraphic spirit for the benefit of the Christian people and the foreign missions, to which the entire Order has consecrated and consecrates the labors, and even the blood, of its best sons; and for this purpose, let them all place their trust in the Sacred Heart of Jesus, and in the most efficacious intercession of the Immaculate Virgin Mary, and in the paternal protection of the Seraphic Patriarch.

Finally, Your Excellency will add that His Holiness grants the Reverend Father Schüler, and to the outgoing and incoming Definitorium, and to the entire Order, His Apostolic Blessing, that it may be a pledge of the closest charity, peace, and concord among all the Religious among themselves, without distinction.

[*Latin ed. p. 572*]

572 Acta Apostolicae Sedis. - Official Commentary. Not preferring the former family, but rather extending effectively with fraternal zeal, always increasing, to all those who are part of the First Franciscan Order. From Your Most Reverend and Revered Eminence, Rome, October 23, 1911. Your Devout Servant and kindred Brother, FR. G. C. CARD. VIVES, Prefect. F. Cherubini, Under-Secretary. SAGRA ROMANA ROTA SALISBURGEN. REDUCTION OF PAROCHIAL BENEFICE. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on August 23, 1911, the Most Reverend Fathers Francis Heiner, presiding, John Prior, and Aloysius Sincero, auditors, in the case of "Salisburgen," between the Most Reverend Cardinal Archbishop Katschthaler, appellant, represented by the procurator Anthony Cagiano de Azevedo, Advocate, and between the Reverend parish priest Nicholas Naschberger, appellee, represented by the

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Reverend A. Colomb, Advocate, rendered the following final judgment. The archiepiscopal Consistory of Salzburg, by decree of September 15, 1909, ordered the Reverend Nicholas Naschberger, parish priest of Nonnthal, to pay to his co-workers a salary or stipend of ten crowns per week. Against this decree, the parish priest Naschberger appealed on September 28, 1909, to the same archiepiscopal Consistory, which, citing numerous reasons by which it had been moved to issue the decree, completely confirmed it, deciding: "The Consistory therefore maintains the Decree of September 15, 1909, and expects that the Reverend Parish Priest will submit to it without delay." However, the parish priest Naschberger refused to comply and consulted the archiepiscopal Consistory by letter of October 14 of the same year, "regarding whether the 'dispositions of the aforementioned Decree of September 15, 1909, should be considered."

[*Latin ed. p. 573*]

St. Bonaventure, Book 5, Chapter 73: "Whether they ought to be considered as a definitive judgment, or not." Having received an affirmative response, he immediately filed an appeal against the aforementioned decree with the metropolitan tribunal of Prague, which, however, rejected the appeal, declaring that it did not have jurisdiction in this case, because, as the archiepiscopal ordinariate of Salzburg notes in its letter appended to the appeal, "a judicial sentence was neither requested nor presented from the first instance; therefore, 'there is no basis for an appeal in the second instance.' Rather, 'it concerns an administrative decision of the archiepiscopal ordinariate in a case which is clearly subject to episcopal jurisdiction, against which only a recourse to Rome is permitted, and not a judicial appeal.'" Then, the pastor Naschberger had recourse to the Holy See, and through a rescript from the Most Holy Congregation, the cause was proposed for decision under the question: "Whether the decree of the Most Reverend Archbishop of Salzburg of September 15, 1909, should be upheld in this case, or not." Regarding the facts, a few preliminary points must be made: In the province of Salzburg, as in all other dioceses of the Austrian Empire, pastors are obligated, by time-honored custom, to provide their coadjutors with sustenance, lodging, and a suitable weekly salary. Furthermore, pastors have the right to receive from the government approximately 800 crowns, more or less, for each coadjutor, depending on the condition of the parish. In addition, the coadjutors offer the sacrifice of the Mass daily, according to the intention of the pastor, who receives all the alms of the Masses celebrated by the coadjutors. The civil law of April 19, 1885, establishes what is due to pastors from the "Religious Fund." Consistent with this law is the "General Decree" of the Consistory of Salzburg of April 18, 1888, which stipulates that all pastors should pay their coadjutors a salary or stipend, in addition to food and lodging, of at least eight crowns per week. However, Pastor Naschberger did not comply with the aforemen-

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tioned archiepiscopal decree. When his coadjutor appealed to the Ordinariate, the latter, through a new special decree of September 20, 1893, ordered the pastor to observe the previously issued regulations and to immediately pay his coadjutor a salary of eight crowns. Lord Naschberger initially raised some objections to the coadjutor's complaint, but eventually complied with the orders of the ordinariate. In 1898, on September 19, a new law was promulgated by the government, which, while neglecting the condition of the coadjutors, improved the situation of the pastors. Therefore, the Ordinariate of Salzburg, considering the increase in what is due to the pastors, and taking into account the conditions of the coadjutors, which were not sufficient given the difficulties of the times, considered it just and equitable to grant more...

[*Latin ed. p. 574*]

574 Acta Apostolicae Sedis. - Official Commentary. In Vico Equense, a fair proportion of the salaries of pastors and assistants should be maintained. Therefore, the Ordinary decreed that in each diocese, this rule should be observed: Pastors who receive 350 florins or 700 crowns annually for their assistants must pay these assistants nine crowns per week; those who receive 400 florins or 800 crowns must pay their assistants ten crowns per week. However, Pastor Naschberger did not comply with the newly established rules. Therefore, the Consistory of Salzburg, by a special decree dated September 15, 1909, which was subsequently confirmed by the same authority in another decree dated October 13, 1909, strictly ordered Pastor Naschberger to pay his assistants a salary of 10 crowns per week. In light of all the facts presented, it must be determined whether Cardinal Erñus of Salzburg justly and rightfully upheld the decree challenged by the pastor. Regarding the law, the only question in this case is whether the Bishop has the right to assign a fair salary to assistants, and whether it is the duty or obligation of pastors to provide this assigned salary to their assistants from the revenues of the parish. The question of whether an assistant is entitled to a fair livelihood cannot be disputed. Church laws clearly and strictly attribute this right to assistants, e.g., in Chapter 3, X, III, 6, and this right is based on the nature of the thing, according to the words of the Apostle: "Know you not that they who work in the holy place eat the things that are of the holy place; and they that serve the altar partake with the altar?" (1 Corinthians 9:13). As for the question of whether it is the right of the Bishop to assign a fair salary to assistants, and indeed from the revenues of the pastor, it is sufficient to know the prescription of the Council of Trent in Session XXI, chapter 6, on Reforms: "Bishops, as delegates of the Apostolic See, in all parochial or baptismal churches, in which the people are so numerous that one pastor cannot suffice to administer the ecclesiastical sacraments... must appoint... a pastor... and add to this office as many priests as will suffice." And chapter 6 states that

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"Bishops, even as delegates of the Apostolic See, shall appoint... to these [churches] coadjutors or vicars for the time being, and shall assign them a portion of the fruits for a sufficient livelihood." In both cases, because the reason is the same, namely, the care for the sufficient support of assistants, the right to assign a fair salary for their sufficient livelihood has been attributed to the Bishop. Thus, the Sacred Congregation of the Council in Aquen, August 2, 1721, also decided: "A pastor of parishes, where one parish is so far from the other that the faithful cannot access it without great difficulty, must be compelled by the Or-

[*Latin ed. p. 575*]

The Roman Rota. 575 "A sum of one *denarius* must be retained from either of the aforementioned [sources]... to provide an assistant for the administration of the Sacraments, at the parish's own expense, and this must be approved by the Bishop." The same is confirmed by the Constitutions of the Supreme Pontiffs. The Constitution of Innocent XIII concerning the Apostolic Ministry, dated May 13, 1723, issued for the restoration of ecclesiastical discipline in the Kingdoms of Spain, and subsequently by Benedict XIII, in the Constitution *In Supremo*, dated September 23, 1724, extended to the entire world, as declared by Benedict XIV in another Constitution, *Pastoralis Curae*, dated August 5, 1778, as also reported by Giraldi, *Iur. Pont.*, part 2, section 19, and Lucidi, *De Visit. SS. Limin.*, Vol. 1, page 348, concerning the compensation due to temporary vicars or assistants, it states: "Whenever, in other parochial churches, which, as is stated, are not united, it should be necessary for just reasons to provide for assistance either through assistants to the parish, or through temporary vicars, it is the duty of the Bishops, by virtue of the power granted to them by the Council of Trent, to determine the portion of the aforementioned fruits to be assigned to these assistants or vicars, in such quantity as they shall deem fitting, according to their prudent judgment and conscience, taking into account the revenues and emoluments of the parochial church in which they have been appointed, and also considering the conditions of the place, the number of souls, the quality of the work, and the amount of expenses that the necessities of the office require... nor can any contradiction or exemption from the part of the parish, or any appeal, or the prohibition of any judge, suspend the execution of the assignment and allocation of a certain portion of the fruits in the aforementioned cases, and also, notwithstanding any contrary custom, even one of long standing." This competence of the Bishop, to determine the appropriate and sufficient compensation to be provided to his assistants by the parish priest, is taught by common canonical doctrine. Giraldi, in his work *Animadversiones et additamenta ad Aug. Barbosa* (p. 2, n. 3), writes: "A suitable portion must be assigned to this kind of vicar at the discretion of the Bishop, considering the quality of the person, the benefit, and the place..." Lombardi (*Iur. can. Iust.*, I, p.

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26) teaches: "These [vicars], whose names vary according to the customs of different regions... are rightly appointed by the parish priests, with the approval of the Bishop, to whom it also belongs to assign a suitable compensation to them." Aichner (*Compend. iur. can.*, p. 455) warns: "It is also the duty of the Bishop to determine the appropriate support for them [the assistants]." Santi (*Praelect. iur. can.*, I. 3, vol. 6, n. 11) writes in the same way: "But if we are speaking of assistants, whether temporary or permanent, in parochial benefices, according to the meaning of chapter 3, heading t., and chapter 6, Session 21, *De ref.* in Trent, the Bishop must consult with them, either regarding the fruits of the benefice, or from some other source, so that they may have adequate support." Among the ancient canonists, there is no disagreement on this matter.

[*Latin ed. p. 576*]

576 Acta Apostolicae Sedis. -, Official Commentary. I feel, and Schmalzgrueber in title 6, I. 3, nn. 8, 10, quoting the exact words of chapter 6, session 21, of the Council of Trent, concerning reforms, adds: "And this proceeds, even if the coadjutor 'has been wealthy, so that he can live off his own property; because no one ever serves for his own 'salary'." Nor can this power granted to the Ordinary by the authority of the Church be undermined by the judgment of the Supreme Civil Tribunal of Austria, which has decided that parish priests cannot be compelled to pay a proper sum from their own resources to support coadjutors. Only from the aforementioned judgment does it follow that the provision of the Ordinary by which a parish priest is ordered to contribute something from his own resources to the support of the coadjutor lacks the sanction of civil authority, and therefore that authority cannot be invoked in such a case. It should not also be said that the increase imposed on parish priests in favor of coadjutors contradicts common law, which absolutely prohibits any reduction of benefices for any reason, for the rubric, which should be considered as true law, prescribes: "That ecclesiastical benefices be conferred 'without diminution'" (c. un. X, III, 12), and the Council of Trent, in session 25, c. 5, concerning reforms, states: "Reason requires that 'nothing be taken away from those things which are well established. When, therefore, by the erection or foundation of certain benefices, or by other constitutions... certain obligations are imposed upon them, in the conferring of benefices or 'in any other disposition, no deduction shall be made from them...'" This is also consistent with the teaching of canonists, as explained by Fagnanus, Aichner, and many others. - But it must be said that all these provisions of law speak of a reduction of benefices, not of a pension imposed on the beneficiary. No one denies that a bishop cannot impose a pension on a beneficiary in the strict sense without the permission of the Apostolic See, but it must also be denied that the compensation for the labors performed by coadjutors for the parish priest is a pension in the canonical sense. A pension is a reservation of the

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fruits of a benefice, or a part thereof, in favor of the resigning beneficiary, or another, or, as Santi (Prael. iur. can, 1.3, 1.12, n. 11) says: "A pension is the right to receive a certain portion of the fruits from another's 'benefice, with the intervention of legitimate and just authority, for the benefit of others'," therefore, a pension is the right to receive the fruits of another's benefice without the performance of offices or labors in return for the fruits received. This is entirely different from a stipend or salary, which is paid to a priest by a parish priest in remuneration for the labors performed. A coadjutor, as such, does not have the right to receive the fruits of the parish priest's benefice, but only the right that the parish priest, from his own revenues, should pay him a just and equitable wage for the labors he performs for him. Therefore, Benedict XIV (De syn. dioec, I. 13, c. 24, c. 14) writes: "Capellanias ad nutum amovibiles be'neficia proprii nominis... are not, and much less are they pensions.'"

[*Latin ed. p. 577*]

Book V, Chapter 577. Therefore, whatever a cooperator receives from the fruits of the parochial benefice is not a share of the fruits of that benefice, but rather a salary or stipend which the parish priest is obligated to pay to the cooperator as a due recompense for his labors rendered. For the parish priest alone possesses the office of caring for the souls of those living in the parish, for which office he has the right to receive the fruits of the parochial benefice. If he alone cannot perform all the labors of his office, for example, due to the multitude of parishioners, then, by mandate of the Council of Trent (I. c.), he must take on coadjutors who will assist him in his office, and to these he is therefore obligated to pay a wage for the labors they perform on behalf of the parish priest, and indeed, as has already been demonstrated, according to the estimation of the Bishop, by whom each coadjutor is sent to assist the parish priest. Therefore, if in the aforementioned decree of the Archbishopric of Salzburg, it is prescribed that parish priests must provide an increase in the stipend to coadjutors, this is not a new burden imposed, from which the parochial benefice as such is burdened or diminished, but rather a determination of the stipend or salary, to which each parish priest is obligated by the nature of the matter. That this determination of the stipends of coadjutors is an act of the administrative jurisdiction of the Ordinary, no one can deny. Because the Bishop can, by common law, compel, indeed, he must, parish priests to take on auxiliary priests with a suitable and just allocation, it is clear that he can also compel them, for his prudent judgment and conscience, to provide a supplement or increase, considering new circumstances. Wherefore, with full right, the Consistory of Salzburg ordered the parish priest Naschberger to pay a stipend of ten crowns to the priests assisting him each week, because the suitable amount for coadjutors, according to the aforementioned Constitution of Innocent XIII, is to be determined by the Bishop according

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to his prudent judgment and conscience, taking into account the revenues and emoluments of the parochial church, as well as considering the conditions of the place, the number of souls, the quality of the work, and the amount of expenses that the necessities of the office require. However, the Ordinary of Salzburg had all of these things before his eyes when determining the increase in the suitable amount for the coadjutors. Indeed, the parish priest Naschberger can undoubtedly easily bear this increase in the suitable amount, and the coadjutors of Nonnthal, unlike other coadjutors in the archdiocese, are burdened with extraordinary work, as is evident from the records of the process. As a general rule for the entire diocese, since 1904, the Ordinariate has established a provision whereby parish priests are required to pay a weekly stipend of ten crowns to vicars, where the suitable amount provided for them by the administration reaches an annual sum of 800 crowns, and a weekly stipend of 9 crowns, where the coadjutor's annual suitable amount is 700 crowns.

[*Latin ed. p. 578*]

578 Acta Apostolicae Sedis. - Official Commentary. of crowns. Since the annual subsidy granted by the government to the assistant priest in the parish of Nonnthal is 800 crowns, the Ordinary's decree in this case is in conformity with the generally established norm, and no special provision is made for the pastor, Naschberger. Furthermore, all parishes, except for one, in the Salzburg district receive an annual subsidy of 800 crowns for assistant priests (cf. Summary for the Archbishop, p. 10), and the pastor of Nonnthal is the only one among all who refuses to submit to this general rule. Moreover, many rural pastors (Summary for the Archbishop, p. 12), who receive only 1600 crowns from the government, and 600 crowns annually for assistant priests, pay 10 crowns per week, without being legally obligated to do so. The pastor, Naschberger, on the other hand, receives, in addition to the five-year period of 500 crowns, 2000 crowns for himself, and 800 crowns for each assistant priest, from the government, and the Ordinary's decree imposes on him the payment of only 520 crowns annually. The pastor, the plaintiff, bases his claim regarding the expenses of the parish house and the uncertain revenues of the parish solely on his own assertion, without providing any proof. The Ordinary, on the other hand, contradicts this, and in the accounts presented by the pastor, declares that the expenses are exaggerated, and the uncertain revenues are unduly diminished. Certainly, if one considers the quality and quantity of the very modest sustenance that, according to the Pastoral instructions, a pastor must provide for his assistant priests, an annual expense of 1000 crowns for each assistant priest must be considered exaggerated; especially if one were to add, as the pastor wishes, an additional sum of 600 crowns for a third servant. Therefore, it is not permissible to conclude, based on the pastor's account, which is not confirmed by evidence, and contrary to the clear

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presumptions already given, that the Ordinary's decree is deficient in a just and equitable measure. The Cardinal of Salzburg, in this case, ordered nothing other than what is taught by Cardinal De Luca (On Parish Priests, discourse 28, no. 5): "When this benefit is granted... because of labor, as its increase requires, the benefit is increased; therefore, for the common good, it must yield, so that for all, the same rule applies, so that as labor increases, so too does the salary or benefit." Having considered all of these things, invoking the name of Christ, and with only God before our eyes, we, the undersigned Auditors sitting for the Tribunal, decree, declare, and define, regarding the question at hand: Whether the decree of the Most Reverend Cardinal Archbishop of Salzburg, dated September 15, 1909, is to be upheld in this case, or not. The answer is: Affirmative.

[*Latin ed. p. 579*]

Secretariat of State. 579. Regarding this matter, it is to be understood that the judgment, and not the second instance, must be upheld in this case; furthermore, all judicial expenses, as well as the fees of the lawyers, are to be paid by the parish priest of Nonnthal. Thus we pronounce, ordering the Ordinaries of the places and the officials of the Tribunals to whom this pertains, to enforce this judgment and to proceed against those who resist, according to the norms of the Sacred Canons, and especially chapter 3, Session XXV, concerning Reform, of the Council of Trent, employing the executive and coercive means that are most effective and appropriate for the circumstances. Rome, 1st August 1911. Franciscus Heiner, Prefect. Ioannes Prior. Aloisius Sincero. Sac. Tancredes Tani, Notary.

SECRETARIAT OF STATE, LETTER I. TO R. D. REMES, PARISH PRIEST AT SAINT NICHOLAS IN BRUSSELS, ON THE SEVENTY-FIFTH ANNIVERSARY OF THE FOUNDATION IN THAT CITY OF THE GENERAL WORK OF CATECHISM AMONG WOMEN OF THE PERPETUAL ADORATION.

Monsieur le Curé, The Holy Father has learned with great interest about the Memorial of the Diamond Jubilee of the General Work of Catechism, established among the Ladies of Perpetual Adoration in Brussels. His Holiness particularly noted the lively Report that you presented in your capacity as Director of the Section for Gentlemen Catechists, and the eloquent Address in which the Eminence, the Archbishop of Malines, highlighted the paramount importance and supreme merit of this admirable Work. Therefore, gladly renewing the congratulations and wishes already expressed in his own hand on 20th November 1905, the Under-

[*Latin ed. p. 580*]

580 Acta Apostolicae Sedis. - Commentarium Officiale. The reigning Pontiff, with all his heart, grants the Apostolic Blessing to all members of the Archiconfraternity, Masters and Mistresses, catechized children,

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and especially to the governing Council and to Madame la Comtesse Eugène d'Auet, your distinguished President, as well as to the worthy Religious of the Perpetual Adoration. Receive, Reverend Father, with the assurance of my personal sympathies and my prayers for the work of the Catechists, the expression of my devoted sentiments in the Most Holy Name. September 27, 1911. R. CARD. MERRY DEL VAL. TO THE MOST REVEREND AND RIGHT REVEREND FATHER JOHN BAPTIST NASALLI ROCCA, BISHOP OF EUGBINUM, FOR THE OBSERVANCE OF DUE REVERENCE TO THE MOST BLESSED FATHER, PRESENTED AFTER THE CELEBRATION OF THE DIOCESAN SYNOD, IN WRITING. I hasten to inform you that the most welcome letters have reached the Most Blessed Father, which, seizing the opportunity of the recently celebrated Diocesan Synod, you carefully sent, together with the Chapter and the clergy of Eugubino, with the greatest reverence. Therefore, as the August Pontiff expresses great gratitude for the filial devotion, he rejoices in the happy outcome of the Synod, and offers prayers that these priests, with the help of God, faithfully and perseveringly carrying out what was established in the synodal assemblies, may easily attain to the growth of their own virtues, to the greater and greater propagation of the glory of the Almighty, and to the attainment of the salvation of souls. In conclusion, His Holiness impartially grants the requested apostolic blessing, which may descend abundantly upon you and upon the entire clergy of this Diocese, as a fruitful dew, in the Lord. In the meantime, I confirm my greatest esteem for you, which I am and shall be pleased to express. September 29, 1911. Most devotedly, R. CARD. MERRY DEL VAL.

[*Latin ed. p. 581*]

Secretaria Status. 581 III. TO THE COUNT STANISLAUS MEDOLAGO ALBANI, REGARDING THE OBSERVANCE OF DEVOTION, FROM THE STUDENTS OF THE SOCIAL SCHOOL OF BERGAMO, PRESENTED TO THE MOST BLESSED FATHER BY LETTER.

Most Reverend Lord, It has been of great pleasure to the Holy Father to receive the affectionate and devoted address which the students of the Social School of Bergamo have sent to Him, with reverent obedience at the conclusion of the lessons. Therefore, the August Pontiff, through Your Excellency, who transmitted said document, thanks them for the filial tribute and for the noble sentiments of veneration and attachment expressed to Him in the same address. Moreover, the Holy Father was also pleased to learn of the brief report written by Your Excellency concerning the aforementioned Social School, concerning the happy outcome of the courses of instruction, and concerning the hopes that You have conceived for the future of the same School. From said report, the August Pontiff noted above all, and with particular satisfaction, both the soundness of the doctrines which were the subject of the past lessons in the courses of Apologetics and

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Sociology, as well as the commendable conduct of all those who attended the lessons, and the good intentions made by them for the future. Therefore, Holiness heartily congratulates, bestowing upon the Professors and the students the praise that both have justly earned, and offers prayers for the growth of the Social School, and that an ever greater number of students may come from every place, with the firm hope that the good seeds sown in their minds and hearts, as in fertile ground ready to receive and fructify them, will produce abundant and salutary fruits in the not distant future. And that such aid may not be lacking from Heaven, the Holy Father, with a generous heart, imparts to Your Excellency, to the Professors, and to all the students of the Social School, the requested Apostolic Blessing, as also a pledge of His paternal benevolence. With sentiments of sincere esteem, I remain, of Your Excellency, 30 September 1911.

Yours to serve,

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 582*]

582 Acta Apostolicae Sedis. - Commentarium Officiale. IV. TO THE REVEREND FATHER FRANCIS LEONBM GAUTHEY, ARCHBISHOP OF BISUTINORUM, OFFERED IN DEAR RESPECT TO THE MOST BLESSED FATHER UPON THE ACTS OF THE DIOCESAN SYNOD.

Monsignor, the Supreme Pontiff has been most pleased by the tribute of the Acts of the Diocesan Synod, held this year by Your Eminence. His Holiness desired to become acquainted with them immediately, and this reading has caused Him very great satisfaction. The blessed fruits that Your Eminence anticipates from this Synod for the sanctification of the clergy and the faithful, the Holy Father blesses in advance, and His confidence is great in their realization; for He knows with what wisdom and zeal Your Eminence will pursue the execution of the statutes and resolutions that He has just promulgated. His Holiness is also pleased to learn that the Members of the Synod have demonstrated, by their excellent spirit and by their eagerness to embrace the proposed measures, that they were one heart and one soul with their Pastor and with the Supreme Head of the Church. To strengthen them in these dispositions, the Holy Father grants, along with Your Eminence and all your diocesans, the Apostolic Blessing. Please accept, Monsignor, along with my congratulations and my personal thanks, the assurance of my entire devotion in Our Lord.

October 10, 1911.

R. CARD. MERRY DEL VAL.

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[*Latin ed. p. 583*]

Diary of the Roman Curia. 583

DIARY OF THE ROMAN CURIA

ALLARO

NOTICE OF COMPETITION FOR THE PENITENTIARY

It is hereby notified that in the Sacred Tribunal of the Apostolic Penitentiary, a competition will be held for the office of Substitute, through a written and oral examination. The written examination will be held on the fourth of the coming December at 8 o'clock, and the oral examination on the fifth of December at 9 o'clock. Those who wish to participate must, within one month from the date of this notice, present to the Secretariat of said Sacred Tribunal an application accompanied by the necessary qualifications for admission.

Rome, 31 October 1911.

G. Giorgi, Regent.

SECRETARY OF STATE

APPOINTMENTS.

By a note from the Secretary of State, the Holy Father has deigned to appoint:

16 October 1911. — The Reverend Mr. Giuseppe D'Isengard, General Procurator of the Priests of the Mission, Consultor of the Holy Congregation of Rites.

22 October — The Reverend Father Luca Di Maria SSma, General Procurator of the Discalced Carmelites, Consultor of the same Congregation.

2 November 1911. — Monsignor Riccardo Sanz De Samper, Secretary of the Holy Congregation Ceremonial.

7 November 1911. — Monsignor Aurelio Galli, Secretary of Briefs to Princes.

His Holiness, by a note and by a Brief from the Secretary of State, has deigned to appoint:

Domestic Prelates of His Holiness.

12 October 1911. — Monsignor Antonio Jakl, Superior of Castres in Moravia and Bohemia, Honorary Canon of Lavant.

25 October. — The Reverend Enrico Spadorcia, canonist of the Sacred Penitentiary.

26 October. — The Reverend Giuseppe A. Connolly, General Vicar of the

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Archdiocese of St. Louis (United States of America).

— The Reverend Otto J. S. Hoog, General Vicar of the Archdiocese of St. Louis (United States of America).

[*Latin ed. p. 584*]

584 Acta Apostolicae Sedis. - Official Commentary. HONORS. His Holiness, with a letter and a Brief from the Secretariat of State, deigned to bestow the following honors: The Grand Cross of the Order of St. Sylvester: October 21, 1911. – To Mr. Dr. Paolo Michaux, President of the Federation of French Catholic Associations. 17 Knighthood of the Order of St. Gregory the Great, civil class: October 12, 1911. – To Mr. Dr. Cesare Goretti, of Rome. October 23. – To Mr. Carlo Wesmael, of the diocese of Liège, Secretary of the Catholic Associations of Waremme and Huy. – To Mr. Emilio Petithenry, collaborator of the "Maison de la Bonne Presse" in Paris. Knighthood of the Order of St. Gregory the Great, military class: October 20, 1911. – To Mr. Engineer Beniamino Bourgeois, former Papal Zouave. OFFICIAL ANNOUNCEMENT. (From the Osservatore Romano of October 21, 1911 - No. 290): Many newspapers that wish to operate in the Catholic sphere, and many ecclesiastical and lay speakers, when discussing the Italo-Turkish conflict, express themselves in a manner that almost suggests a holy war, undertaken in the name and with the support of Religion and the Church. We are authorized to declare that the Holy See not only does not assume any responsibility for such interpretations, but that, having to remain outside the current conflict, it cannot approve of them and deplores them. THE PAPAL HOUSEHOLD APPOINTMENTS. His Holiness, with a letter from His Eminence, the Papal Chamberlain, deigned to appoint: Honorary Secret Chamberlains, extraordinary: October 31, 1911. – Mons. Alfonso Dénier, of the diocese of Moulins. November 3, 1911. – Mons. Venceslao Merinsky, of the archdiocese of Vienna. – Mons. Edoardo Krauss, of the archdiocese of Vienna. Honorary Chamberlain of the Sword and Mantle, extraordinary: November 3, 1911. – Mr. Giuseppe Salviucci, of Rome. NECROLOGY: October 16, 1911. – Mons. Antonio Maria Massanet y Verd, Bishop of Segorbe or Castellón de la Plana. October 24. – Mons. Capel, Vicar of the district of Northern California. October 25 – Mons. Francesco Saverio Yunguito, Bishop of Panama.

[*Latin ed. p. 585*]

Year III. - Vol. III. November 30, 1911. No. 16. ACTA OSTOGUMII COMMENTARIUM OFFICIALE. ACTA OF POPE PIUS X. ADDRESS GIVEN IN CONSISTORY ON NOVEMBER 27, 1911. VENERABLE BROTHERS: It is pleasing to Us that, after a considerable interval, We can address Our most esteemed Order, which is always present to Us, and to which We know that all things, whether joyful or sorrowful, that happen to Us are known, due to Our special connection with you. For a long time, We have had in mind to

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convene you, so that We might discuss before you the matters which most concern Us in governing the Church of Jesus Christ amidst so many difficulties; but, as you know, Venerable Brothers, the causes which compelled Us to postpone this matter until this day. Although We experience constant divine assistance in sustaining our strength and consoling the labors of the Church militant, We cannot help but feel these great sorrows of the times. Indeed, the year that is now drawing to a close has been particularly sorrowful for Us; this is plain to all. We shall not dwell on this, since We know that this very commemoration and celebration of events has caused great sorrow, and has brought forth so many and such grievous wounds, inflicted as yet upon the rights of the Holy See.

[*Latin ed. p. 586*]

586 Acta Apostolicae Sedis. - Official Commentary. It is known to all that the Apostolic See has been subjected to attacks. Indeed, it has seemed fitting that such events should be publicly commemorated with solemnity: it has been decided that the memory of these injustices should be celebrated with new injustices, and that declarations of hatred against the Catholic faith should be repeated more frequently, which, who can deny, has been done to the great offense of the entire Catholic name? But the supreme good and the greatest glory of our beloved Italy are contained in this Faith, which has wonderfully fostered all the arts of humanity, and which, as in times past, can alone bring peace and prosperity to it in the future. Moreover, when in this most sacred City, an incredible impunity is given to the enemies of Religion, what is surprising if the wicked sect, which is most inimical to God and Christian wisdom, has carried out its nefarious activities almost before our very eyes? Have we not seen the faith of Christ, the doctrines of the Church, and the authority of the Roman Pontiff, treated with ridicule and contempt, even by magistrates themselves, in newspapers and in the streets? But not within the walls of Rome, nor in the territories of Italy, have the wicked attacks against the Church ceased. You know, Venerable Brothers, that in the Kingdom of Lusitania, which has been transformed into a Republic, a violent storm of hatred and calamity has befallen the Catholic cause; and you are not unaware that this transformation was carried out under the guidance and auspices of that very sect, which we have mentioned; for it does not hesitate to confess this itself; and indeed, it has been done under the guise of reforming the form of the republic, but in reality, in order to more easily suppress the Religion. We, as the Apostolic office demanded, have rejected and condemned the law separating the State and the Church, that very monument of wickedness, by which it is undoubtedly intended to tear Lusitania away from the embrace of the Roman Church, and to gradually destroy all traces of the Catholic profession within it. Therefore, we recall and reaffirm here all that we have decreed through those Encyclical Letters addressed to all the Bishops: and we hope

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that the people of Lusitania, whose ancient and noble praise is to be most devoted to the Church, will resist the attempts of those who, suppressing all freedom,

[*Latin ed. p. 587*]

Acta of Pope Pius X, 587, those who, with blind fury, strive for the ruin of the homeland. But it increases our hope, and is a source of consolation, to see that the sacred prelates and clergy of Lusitania, with the most worthy Patriarch leading them, are most closely united with this Apostolic See; and rather than neglecting their duty and office, they endure, with admirable constancy, violence, spoliations, insults, imprisonment, and indeed every kind of harm, for the sake of religion. Indeed, while a hostile force seeks to undermine Christian morals and institutions, driving men and nations to ruin; while the pestilence of Modernism, disguised in the colors of science, cunningly spreads, and the virus of Naturalism, by infecting minds, chills the spirit, the admirable benevolence of the merciful God is seen, who prepares to recall the straying to the tree, as if with a newly kindled fire of Christian charity. Certainly, we should not despair of the salvation of the commonweal, when we observe how the devotion of Catholics to the Most Holy Eucharist is so greatly inflamed throughout the nations. There are already countless numbers, of both sexes, who, not only adults, but also young men and boys, most piously frequent and cherish the august Sacrament, and frequently participate in it, not without a most excellent fruit of faith and other virtues. It is marvelous how much is contributed by those Eucharistic gatherings, which Catholic people from all parts are accustomed to celebrate each year. In this regard, after the gatherings in Cologne, London, and Marianople, which were splendidly carried out and of great benefit, the one held recently in Madrid proved to be equally memorable in splendor and usefulness. Indeed, in this event, it was fitting that Catholic Spain should be inferior to no one; and so, those days, the entire Spanish people seemed to prostrate themselves before the feet of Jesus Christ mystically present. All orders of the state were present, from the lowest to the highest, with the greatest frequency; and the example shone forth to all from the King of the Catholics himself, with his august House. He indeed gave a public and lasting testimony of piety, both in word and deed; but even...

[*Latin ed. p. 588*]

588 Acta Apostolicae Sedis. - Official Commentary. She has attributed praise to herself for all that is good, and has given reasons to the citizens why they should more diligently honor and obey her. - Therefore, what Spain truly feels regarding religious matters has been so openly declared by her that nothing could be more evident. Indeed, she has most assuredly testified that she is, not merely in name and profession, but sincerely and

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fundamentally Catholic, and that she constantly desires to maintain this faith. Therefore, if she desires anything, it is certainly not to desire and to strive for the enactment of laws that would offend the institutions of Religion, the prerogatives and rights of the Church; but rather, to preserve intact the ancient bonds by which she is united with the Apostolic See. May God, we pray, look favorably upon this nation so dear to Us, and avert the evils that seem to threaten its tranquility and prosperity. Now, Venerable Brothers, before appointing new Bishops to the vacant Sees, it is Our intention to supplement Our College with some of your most distinguished men, endowed with virtue and learning, who have either in the episcopal ministry or in the performance of other duties, have rendered Us excellent service. These are: JOSEPH MARIA GOS Y MACHIO, Archbishop of Valladolid; DIOMEDES FALCONIO, titular Archbishop of Larissa, Apostolic Delegate in the United States of America; titular Archbishop of Philippi, Apostolic Nuncio in Spain; ANTONIUS VICO; JANUARIUS GRANITO PIGNATELLI DI BELMONTE, titular Archbishop of Edessa; IOANNES MARIA FARLEY, Archbishop of New York; FRANCISCUS BOURNE, Archbishop of Westminster; FRANCISCUS BAUER, Archbishop of OlomÃ¼tz; LEO ADOLFUS AMETTE, Archbishop of Paris; GULIELMUS O'CONNELL, Archbishop of Boston; HENRICUS ALMARÁZ Y SANTOS, Archbishop of Seville; FRANCISCUS VERGILIUS DUBILLARD, Archbishop of Chambéry, Maurienne and Tarentaise.

[*Latin ed. p. 589*]

Acta, PP. X, 589. FRANCISCUS NAGL, Archbishop of Viennensis: FRANCISCUS MARIA ANATOLIUS DE ROVÉRIÉ DE G ABRIERES, Bishop of Montis Pessulani: CAIETANUS BISLETI, Prefect of the Pontifical House: IOANNES BAPTISTA LUGARI, Assessor of the Sacred Congregation of the Inquisition: BASILIUS POMPILI, Secretary of the Sacred Congregation of the Council: LUDOVICUS BILLOT, Priest of the Society of Jesus: GULIELMUS VAN ROSSUM, Priest of the Congregation of the Most Holy Redeemer. Besides these, we have decreed to honor another distinguished man with the sacred dignity of the purple; whom, however, for just reasons, we reserve in our heart. What do you think? Therefore, with the authority of Almighty God, of the holy Apostles Peter and Paul, and with our own, we create and declare the following Cardinals, from the Order of Presbyters: IOSEPHUM MARIAM COS Y MACHIO, DIOMEDEM FALCONIO, ANTONIUM VICO, IANUARIUM GRANITO, PIGNATELLI DI BELMONTE, IOANNEM MARIAM FARLEY, FRANCISCUM BOURNE, FRANCISCUM BAUER, LEONEM ADOLFUM AMETTE, GULIELMUM O'CONNELL, HENRICUM ALMARÁZ Y SANTOS, FRANCISCUM VIRGILIUM DUBILLARD, FRANCISCUM NAGL, FRANCISCUM MARIAM ANATOLIUM DE ROVÉRIÉ DE C

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ABRIERES.

[*Latin ed. p. 590*]

590 Acta Apostolicae Sedis. - Official Commentary. From the ORDER OF DEACONS: Caietanus Bisleti, Ioannes Baptista Lùgari, Basilius Pompili, Ludovicus Billot, Gulielmus Van Rossum. Furthermore, as we mentioned above, we create another Cardinal, and reserve this in our heart, to be announced whenever it pleases Us. With the necessary and opportune dispensations, derogations, and clauses. In the Name of the Father, and of the Son, and of the Holy Spirit. Amen. SACRED CONSISTORY PROCEEDINGS, as published by the CONSISTORY itself, Rome, November 27, 1911. This morning, His Holiness Pope Pius X held the Secret Consistory in the Vatican Apostolic Palace, during which the Most Reverend and Right Reverend Cardinal Gennari, having completed his office as Chamberlain of the Sacred College, presented the customary purse to HIS HOLINESS, who deigned to pass it to the Most Reverend and Right Reverend Cardinal Merry del Val. Then, after a brief address, the Holy Father deigned to announce the Cardinals of the Holy Roman Church: OF THE ORDER OF PRIESTS: Mons. Giuseppe Maria Cos Y Machio, Archbishop of Valladolid; Mons. Diomede Falconio, Archbishop of Larissa, Apostolic Delegate in the United States of America.

[*Latin ed. p. 591*]

A. The Consistory.

His Most Reverend Excellency, Anthony Vico, Archbishop of Philippi, Apostolic Nuncio to Spain; His Most Reverend Excellency, Gennaro Granito di Belmonte, Archbishop of Edessa; His Most Reverend Excellency, Giovanni Farley, Archbishop of New York; His Most Reverend Excellency, Francesco Bourne, Archbishop of Westminster; His Most Reverend Excellency, Francesco Bauer, Archbishop of Olmütz; His Most Reverend Excellency, Leone Adolfo Amette, Archbishop of Paris; His Most Reverend Excellency, Guglielmo O'Gonnell, Archbishop of Boston; His Most Reverend Excellency, Enrico Almaráz y Santos, Archbishop of Seville; His Most Reverend Excellency, Francesco Virgilio Dubillard, Archbishop of Chambéry; His Most Reverend Excellency, Francesco Nagl, Archbishop of Vienne; His Most Reverend Excellency, Francesco Maria Rovérié de Gabrières, Bishop of Montpellier;

Of the Order of Deacons: His Most Reverend Excellency, Gaetano Bisleti, Chamberlain to His Holiness; His Most Reverend Excellency, Giovanni Battista Lugari, Assessor of the Most Holy Office; His Most Reverend Excellency, Basilio Pompili, Secretary of the Holy Congregation of the Council; The Reverend Father Ludovico Billot, of the Society of Jesus; The Reverend Father Guglielmo Van Rossum, of the Priests of the Most Holy Redeemer.

After the customary selection was made for the vacant suburban

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churches of Frascati and Sabina, and for the titular church of Saint Mary in Via for the Most Reverend Monsieur Richelmy, who has relinquished the title of Saint Eusebius, His Holiness proceeded to appoint:

The suburban church of Frascati, to the Most Reverend and Illustrious Signor Cardinal Francesco di Paola Cassetta, who relinquishes the episcopal church of Sabina;

The suburban church of Sabina, to the Most Reverend and Illustrious Signor Cardinal Gaetano de Lai, recently admitted to the Order of Cardinals.

Furthermore, His Holiness proposed the following churches:

The metropolitan church of Mechoacan, to Monsignor Leopoldo Ruiz, transferred from the archiepiscopal see of Linares;

The archiepiscopal church of Linares, to Monsignor Francesco Plancarte y Navarrete, transferred from the see of Cuernavaca;

The titular archiepiscopal church of Tyre, to Monsignor Vittorio Amedeo Ranuzzi de' Bianchi, promoted from the united sees of Recanati and Loreto;

The titular archiepiscopal church of Corinth, to the Most Reverend Father Pio de Langogne, of the Minor Capuchins, Consultor to the Sacred Congregations of the Holy Office, Sacraments, and Religious.

[*Latin ed. p. 592*]

592 Acta Apostolicae Sedis. - Official Commentary. The Cathedral Church of Aire, by Monsignor GARLO DE CORMONT, transferred from the See of Martinica; the Cathedral Church of Alife, by Monsignor FELICE DEL SORDO, transferred from the Episcopal See of Venosa; the Cathedral Church of Montalto, by the Reverend Father LUIGI FERRI, Canon Theologian of the Cathedral and Spiritual Director in the Interdiocesan Seminary of Fano; the Cathedral Church of Borgo S. Sepolcro, by the Reverend Canon POMPEO GHEZZI, Assistant Pastor in the diocese of Milan; the Cathedral Church of Muro Lucano, by the Most Reverend Monsignor GIUSEPPE SCARLATA, Parish Priest of Villalba, in the diocese of Caltanisetta; the Cathedral Church of Anglona and Tursi, by the Reverend Father GIOVANNI PUL VIRENTI, Canon of the Cathedral of Acireale, Professor in the Episcopal Seminary; the Cathedral Church of Cracow, by Monsignor ADAMO SAPIEHA, Chamberlain of the Papal Court; the Cathedral Church of Selenico, by the Reverend Father LUCA PAPPAFAVA, Dean Parish Priest of S. Pietro Brazza, in the diocese of Lesina; the Cathedral Church of Cahors, by the Reverend Monsignor CELESTINO CÉZÉRAC, General Vicar of the diocese of Auch; the Cathedral Church of Killala, by the Reverend Father GIACOMO NAUGHTON, Rector of the Seminary of that diocese. Furthermore, His Holiness notified, in addition to the confirmation of the new Patriarch of Zülz, the appointments to the following churches, which had previously

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been made by Bull or Brief: the Metropolitan Church of Siena, by Monsignor PROSPERO SCACCIA, promoted from the Episcopal See of Tivoli; the Metropolitan Church of Monaco and Brisinga, by the Reverend Father FRANCESCO BETTINGER, of the diocese of Spires, where he is Dean of the Cathedral; the Archiepiscopal titular church of Cizico, by Monsignor GIOVANNI FEDELE BATTAGLIA, promoted from the Cathedral See of Coirà; the Metropolitan Church of Durango, by Monsignor FRANCESCO MENDOZA, promoted from the Cathedral See of Campeche; the Metropolitan Church of Beggio Calabria, by Monsignor RINALDO CAMILLO ROUSSET, promoted from the Episcopal See of Bagnorea; the Metropolitan Church of Bourges, by Monsignor LUDOVICO DUBOIS, promoted from the Cathedral See of Verdun; the Metropolitan Church of Taranto, by Monsignor GIUSEPPE CECCHINI, of the Order of the Preachers, Ordinary Prelate of Altamura and Acquaviva delle Fonti, promoted from the titular See of Alicarnasso.

[*Latin ed. p. 593*]

The Sacred Congregation Consistorialis.

593. The Archdiocesan Church of Udine, for the Reverend Father Anthony Anastasio Rossi, of the diocese of Pavia, there an honorary canon of the cathedral and General Vicar, and an extraordinary chamberlain to His Holiness.

The Metropolitan Church of Vancouver, for Monsignor Nilo Mac Neil, promoted from the cathedral see of Saint George of Terra Nuova.

The Metropolitan Church of Besançon, for Monsignor Leone Gauthey, promoted from the cathedral see of Ne vers.

The Metropolitan Church of Mohilew, for the Reverend Father Vincenzo Kluczynski, of the diocese of Wilna, there a prelate canon of the cathedral, and a domestic prelate of His Holiness.

The Metropolitan Church of Brindisi, with the perpetual administration of Ostuni, for the Reverend Father Tommaso Valeri, of the Order of the Friars Minor, a lector, and rector of the Seraphic College in Figline, in the diocese of Fiesole, and a visitor for various provinces of the Order.

The Archdiocesan Church of Lucca, for Monsignor Arturo Macchi, promoted from the cathedral see of Reggio Emilia.

The Archdiocesan titular Church of Dioclea, for Monsignor Carlo Bertuzzi, promoted from the episcopal see of Foligno.

The Metropolitan Church of Zara, for Monsignor Vincenzo Pulisic, promoted from the cathedral see of Sebenico.

The Archdiocesan titular Church of Areopoli, for Monsignor Paolo Emilio Bergamaschi, promoted from the cathedral see of Troia.

The Archdiocesan titular Church of Assume, for Monsignor Antonio Maria Bonito, transferred from the archdiocesan Church of Amalfi.

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The Metropolitan Church of Ottawa, for the Reverend Monsignor Carlo Ugo Gauthier, transferred from the metropolitan Church of Kingston.

The Cathedral Church of Clogher, for the Reverend Father Patricio Mac Kenna, of the same diocese, a professor of theology in the national college of Saint Patrick at Maynooth.

The Cathedral Church of Asti, for Monsignor Luigi Spandre, transferred from the titular episcopal Church of Tiberiade.

The titular episcopal Church of Dionisiade, for the Reverend Father Alfonso De Wächter, of the archdiocese of Malines, there a General Vicar, and an auxiliary to the Most Reverend Cardinal Desiderato Mercier, Archbishop of Malines.

The united Cathedral Churches of Hexham and New-Castle, for Monsignor Riccardo Collins, transferred from the titular episcopal see of Selinonte.

The Cathedral Church of Lucera, for Monsignor Lorenzo Chieppa, transferred from the cathedral see of Cariati.

The united Cathedral Churches of Nicotera and Tropea, for the Reverend Father Giuseppe Leo, of the diocese of Andria, a General Vicar of the Bishop of Cariati.

[*Latin ed. p. 594*]

594. Acts of the Apostolic See. – Official Commentary. Cathedral Church of Tricarico, for the Reverend Father Giovanni Fiorentini, of the diocese of Modigliana; Titular Bishopric of Lorima, for the Reverend Father Giorgio Guglielmo Mundelein, of the diocese of Brooklyn, there Chancellor of the episcopal curia, appointed Auxiliary to Monsignor Carlo Mac Donnell, Bishop of Brooklyn; Cathedral Church of Peoria, for the Reverend Father Edmondo Michele Dünne, of the diocese of Chicago, Doctor of Sacred Theology; Cathedral Church of Caiazzo, for the Reverend Father Adolfo Turchi, of the diocese of Cesena, General Vicar of the Archbishop of Ancona; Cathedral Church of Cotrone, for the Reverend Father Saturnino Peri, of the archdiocese of Cagliari, Pro-Synodal Examiner; United Cathedral Churches of St. Marco and Bisignano, for the Reverend Father Salvatore Scanu, of the diocese of Bisarchio; Cathedral Church of Veroli, for the Reverend Father Luigi Fantozzi of the Congregation of the Precious Blood, Vice-General Director of the same Congregation; Cathedral Church of Lipari, for the Reverend Father Angelo Paino, of the same diocese; Titular Bishopric of Sebastopoli, for the Reverend Father Giovanni Vaughan, of the archdiocese of Westminster, Domestic Prelate of His Holiness; Titular Bishopric of Bethlehem, for the Reverend Father Giuseppe Abbet, Regular Canon of St. Augustine, Abbot of St. Maurizio of Agaune; Cathedral Church of Leon, for the Reverend Father Emberto Valverde, of the archdiocese of Mexico, there Canon of the metropolitan church; Titular Bishopric

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of Arabisso, for Monsignor Emanuele Secondo Ballon, transferred from the cathedral see of Arequipa; Cathedral Church of Osma, for the Reverend Father Emanuele Lugo y Gonzalez, of the diocese of Lugo; Cathedral Church of La Serena, for Monsignor Raimondo Angelo Jara, transferred from the cathedral see of St. Charles of Ancud; Cathedral Church of Lugo, for the Reverend Father Emanuele Basulto y Giménez, of the diocese of Avila, Canon of the cathedral of Madrid; Cathedral Church of Diamantina, for Monsignor Gioacchino Silverio de Souza, transferred from the titular see of Assume; Titular Bishopric of Antipatride, for Monsignor Giovanni St Ariha, transferred from the cathedral see of Lead; Cathedral Church of Tamaulipas or Ciudad Victoria, for the Reverend Father Giuseppe di Gesù Guzmán, of the archdiocese of Jurango, there Canon of the cathedral; Titular Bishopric of Madaura, for Monsignor Ismaele Puirredon, transferred from the cathedral see of Puno; Cathedral Church of London, for the Reverend Father Michele Francesco Fallón of the Congregation of the Oblates of Mary Immaculate.

[*Latin ed. p. 595*]

Sacred Congregation of Councils. 595 Cathedral Church of Fargo, for the Reverend Giacomo O'Reilly, of the Archdiocese of Saint Paul of Minnesota, Rector of the church of Saint Anthony in Minneapolis. Cathedral Church of Clorifert, for the Reverend Thomas Gilmartin, of the Archdiocese of Tuam, Vice-Rector of the national college of Maynooth; Cathedral Church of the City of Castello, for the Reverend Carlo Liviero, of the Diocese of Padua, Archpriest and Parish Priest of Agna; Cathedral Church of Burlington, for the Reverend Giuseppe Giovanni Rice, of the Diocese of Springfield, Rector of the church of Saint Peter in Northbridge; Cathedral Church of Saint James of the Missions, for the Reverend Giovanni Martino Iañiz, Archdeacon of the cathedral of Cordova; Cathedral Church of Paraná, for the Reverend Abele Bazín, Vicarious Forane of the province of La Rioja in the Diocese of Cordova; Titular Bishopric of Gastábala, for the Reverend Giovanni Guglielmo Shaw, Chancellor of the episcopal curia of Mobile, appointed as Coadjutor with succession to Monsignor Antonio Forest, Bishop of Saint Anthony in Texas; having already succeeded. Cathedral Church of Louisville, for Monsignor Dionisio O'Donaghue, transferred from the titular bishopric of Pomario; Cathedral Church of Meaux, for the Reverend Emanuele Giulio Maria Marbeau, of the Archdiocese of Paris, Parish Priest of the Church of Saint Honoratus of Eylau; Titular Bishopric of Ermopoli Major, for the Reverend Giovanni Geremia Lawler, Rector of the metropolitan archdiocese of Saint Paul of Minnesota, appointed as Coadjutor to the same Archbishop; Cathedral Church of Paderborn, for the Reverend Giuseppe Schulte, Professor of Canon Law and Apologetics in the diocesan institute of Paderborn; Cathedral Church of Guastalla, for the Reverend Agostino Cattaneo, of the Diocese of Crema, where he

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is General Vicar, Professor of Pastoral Theology in the seminary, and Secret Chamberlain to His Holiness; Cathedral Church of Hartford, for the Reverend Giovanni Giuseppe Nilan, of the Diocese of Boston, Rector of the Church of Saint Joseph in Amesburg; United Cathedral Churches of Fabriano and Matetica, for the Reverend Pietro Zanolini, Professor of Moral Theology in the seminary of Padua, Parish Priest of Arzergrande in the same diocese; Cathedral Church of Winona, for the Reverend Patrizio Riccardo Hefpron, archdiocesan of Saint Paul of Minnesota, and there Rector of the Archdiocesan Seminary; Titular Bishopric of Diocæsarea, for the Reverend Carlo Augustin, of the Diocese of Breslavia, where he is Honorary Canon of the cathedral, appointed as Auxiliary to the Most Reverend Cardinal Giorgio Kopp, Bishop of Breslavia.

[*Latin ed. p. 596*]

596 Acta Apostolicae Sedis. - Official Commentary. Cathedral Church of St. James in Capoverde, for the Reverend Giuseppe Alves Martins, Archdiaconal Canon of the cathedral of Loanda, there also Parish Priest of the Church of the Blessed Virgin Mary of Carmel; Cathedral Church of Cuzco, for the Reverend Father Giuseppe Gregorio Castro, of the Order of the Friars Minor, Lecturer in Philosophy; Cathedral Church of Cajamarca, for the Reverend Father Francesco di Paola Grozo, of Cajamarca, there also Parish Priest of the Church of St. Catherine; Cathedral Church of Trujillo, for the Reverend Father Carlo Garcia Jrigoyen, Canon of the cathedral of Lima; Titular Bishopric of Carisio, for Monsignor Pietro Lafontaine, transferred from the cathedral see of Cassano all'Ionio; Cathedral Church of Cebù, for Monsignor Giovanni Battista Gorordo, transferred from the titular Bishopric of Nilopoli; Cathedral Church of Nueva Caceres, for the Reverend Father Giovanni Bernardo Mac Ginley, of the diocese of Philadelphia, Doctor in Sacred Theology; Cathedral Church of Samogizia, for Monsignor Gaspare Feliciano Cyrtowt, Capitular Vicar of the same diocese, transferred from the titular Bishopric of Castoria; Cathedral Church of Augustow or Sayn, for Monsignor Antonio Karas, suffragan of the Bishop of Luceria and Zuytomierz, transferred from the titular Bishopric of Dorileo; Cathedral Church of Kielce, for the Reverend Father Agostino Losinski, Canon Penitentiary of the Metropolitan Church of Mohilew, there also Rector of the seminary, Professor in Sacred Theology; Cathedral Church of Sandomierz, for the Reverend Father Mariano Ryx, Capitular Vicar of the same diocese, Canon of the cathedral and Parish Priest of Wierzbica; Titular Bishopric of Mosynopoli, for the Reverend Father Longino Zarnowiecki, Domestic Prelate of His Holiness, Rector of the ecclesiastical academy of Petersburg, Prelate Canon of the united cathedral churches of Luceria and Zytomierz, appointed as a suffragan of Monsignor Carlo Antonio Niedzialkowski, Bishop of Luceria and Zytomierz; Cathedral Church of Crookston, for the Reverend Father

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Timoteo Corbett, of the diocese of Duluth, there also Rector of the cathedral church, Episcopal Chancellor; Cathedral Church of Bismarck, for the Reverend Father Vincenzo Wehrle, of the Order of St. Benedict, Abbot of the Monastery of St. Mary of Richardson, diocese of Targo; Cathedral Church of Head, for the Reverend Father Giuseppe F. Busch, of the Archdiocese of St. Paul of Minnesota, there also Rector of the Diocesan Missionaries; Cathedral Church of Lipa, for the Reverend Father Giuseppe Petrelli, of the Archdiocese of Fermo, Extraordinary Secret Chamberlain of His Holiness, Secretary of the Apostolic Delegation in the Philippine Islands.

[*Latin ed. p. 597*]

Sacred Congregation of the Consistory. 597

* Cathedral Church of Calbayog, for the Reverend Father Paolo Singzon, General Vicar of the Bishop of Cebu.

* Cathedral Church of Verdun, for the Reverend Father Giovanni Arturo Cholet, of the same diocese, Honorary Canon of the Cathedral, Professor at the Catholic University of Lille.

* Cathedral Church of Belley, for the Reverend Father Adolfo Manier, of the diocese of Autun, there Honorary Canon of the Cathedral and General Vicar of the Bishop.

* Cathedral Church of Nevers, for the Reverend Father Pietro Chatelus, of the diocese of Lyon, Parish Priest of the Church of Saint Francis de Sales in Lyon.

* Cathedral Church of Fossano, for the Reverend Father Josué Signori, of the diocese of Bergamo, there Pro-General Vicar, Canon of the Cathedral.

* Cathedral Church of Foligno, for the Reverend Father Giorgio Gusmtni, of the diocese of Bergamo, Extraordinary Chamberlain to His Holiness.

* Cathedral Church of Suelli, for the Reverend Father Emanuele Virgilio, of the diocese of Venosa, there Pro-General Vicar and Archpriest Canon of the Cathedral.

* United Cathedral Churches of Corneto and Civitavecchia, for Monsignor Pacifico Fiorani, transferred from the titular Bishopric of Caristo.

* Cathedral Church of Tivoli, for the Reverend Father Gabriello Vettori, of the Archdiocese of Florence, there Parish Priest of Saint Salvi.

* Cathedral Church of Leitmeritz, for the Reverend Father Giuseppe Gross, of the Archdiocese of Prague, there Parish Priest and Dean of Falkenavien.

* Cathedral Church of Ascoli Piceno, for the Most Reverend Monsignor Apollonio Maggio, transferred from the titular Bishopric of Listra.

* Titular Bishopric of Cibira, for Monsignor Tommaso Lillis, transferred from the Cathedral See of Leavenworth and appointed Coadjutor with suc-

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cession to Monsignor Giovanni Giuseppe Hogan, Bishop of Kansas-City.

* Cathedral Church of Sirmio, to which is united the title of Bosnia, for Monsignor Giovanni Krapac, transferred from the titular Sees of Belgrade and Semendria.

* Cathedral Church of Segna, with the perpetual administration of Modrussa, for Monsignor Rocco Vucic, transferred from the titular See of Elenopoli.

* Cathedral Church of Castellaneta, for the Reverend Father Agostino Laera, of Acquaviva delle Fonti, there Parish Priest of the Cathedral and Pro-General Vicar.

* Titular Bishopric of Calinda, for the Reverend Father Adolfo Vfrrienti, Ordinary Prelate of Altamura and Acquaviva delle Fonti.

* Cathedral Church of Saint Charles d'Ancud, for the Reverend Father Pietro Armengaudio Valenzuela, Master General of the Mercedarians, Consultor of the Sacred Congregation of Propaganda Fide and of the Pontifical Commission for the Codification of Canon Law.

* Cathedral Church of Kilmore, for the Reverend Father Patrizio Finegan, Parish Priest of Ballinamore in the diocese of Kilmore, there Vicariate Capitular.

[*Latin ed. p. 598*]

598 Acta Apostolicae Sedis. - Official Commentary. The titular bishopric of Tingi, transferred from the cathedral see of Chachapoyas by Monsignor GIUSEPPE GIACOMO ÍRALA; The titular bishopric of Flaviade, assigned to the Reverend GIUSEPPE CHARTRAND, of the diocese of Indianapolis, where he is General Vicar and Rector of the cathedral church, appointed as Coadjutor with future succession to Monsignor Francesco Silas Chatard, Bishop of Indianapolis; The titular bishopric of Pomario, transferred from the cathedral see of Montefiascone by Monsignor DOMENICO MANN AIOLI; The cathedral church of Barquisimeto, assigned to the Reverend AGATO FILIPPO ALVARADO, of the diocese of Barquisimeto, where he is Capitular Vicar; The cathedral church of Zulia, assigned to the Reverend ARTURO CELESTINO ALVAREZ, Parish Priest of Zaraza in the diocese of Calabozo, where he is Honorary Canon of the cathedral; The cathedral church of Nocera Umbra, assigned to Monsignor NICOLA COLA, transferred from the cathedral see of the Marsi; The cathedral church of Città della Pieve, assigned to the Reverend GIUSEPPE ANGELUCCI, priest of the diocese of Palestrina, where he is Canon of the cathedral; The united cathedral churches of Ales and Terralba, assigned to the Reverend FRANCESCO EMANUELLI, of the diocese of Ventimiglia, Apostolic Protonotary ad instar, Secretary to the Archbishop of Cagliari, and there Rector of the Seminary; The cathedral church of Tuguegarao, assigned to the Reverend MAURIZIO PATRIZIO FOLEY, Rector of the church of Saint

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Augustine in America; The cathedral church of Antioquia, in Colombia, assigned to the Reverend MASSIMILIANO CRESPO, of the archdiocese of Popayan, where he is Canon of the metropolitan church; The cathedral church of Socorro, assigned to the Reverend FRANCESCO CRISTOFORO TORO, of the diocese of Antioquia, where he is Capitular Vicar and Canon of the cathedral; The cathedral church of Natal, assigned to Monsignor GIOACHINO ANTONIO D'ALMEIDA, transferred from the see of Piahuy; The cathedral church of Catamarca, assigned to Monsignor BARNABA PIEDRABUENA, transferred from the titular bishopric of Cestro; The titular bishopric of Caesarea of Philippi or Paneas, assigned to Monsignor ERMANNO ZSCHOKKE, Apostolic Protonotary ad instar participantium, Canon of the Metropolitan Church of Vienna, appointed Auxiliary to the Most Reverend Archbishop of Vienna; The titular bishopric of Derbe, assigned to the Reverend ANGELO BARTOLOM ASI, of the archdiocese of Turin, Canon of the collegiate church and Professor in the lyceum of Chieri, appointed Auxiliary to the Most Reverend Archbishop of Turin; The cathedral church of Leavenworth, assigned to Monsignor GIOVANNI WARD, Rector of Saint Mary, Kansanopoli, in that diocese of Leavenworth; The cathedral church of Portsmouth, assigned to Monsignor GUGLIEMO TIMOTEO COTTER, transferred from the titular bishopric of Clazomene.

[*Latin ed. p. 599*]

Sacred Congregation of the Consistory. 599 Cathedral Church of Alagôas, in the Brazilian Republic, for Monsignor EMANUELE ANTONIO OLIVEIRA LOPES, transferred from the titular bishopric of Tabe; Titular Bishopric of Esbon, for Monsignor ROBERTO CALAI-MARIONI, of the diocese of Nocera Umbra, Apostolic Protonotary *ad instar participantium* and Vicarious Forane in Gualdo-Tadino; Cathedral Church of Reggio Emilia, for the Reverend EDOARDO BRETTONI, of the Archdiocese of Florence, where he is Professor of Moral Theology and Spiritual Director in the Major Seminary, and Canon in the Basilica of Saint Lawrence. Rome, November 30, 1911. The Holiness of Our Lord Pope Pius X held a public Consistory this morning in the Vatican Apostolic Palace, to bestow the Cardinal's hat upon the Eminent and Reverend Lords Cardinals: FALCONIO, GRANITO PIGNATELLI DI BELMONTE, FARLEY, BOURNE, AMETTE, O'CONNELL, DUBILLARD, DE ROVÉRIÉ DE CABRIÈRES, BISLETI, LUGARI, POMPILI, BILLOT, VAN ROSSUM, who were announced at the secret Consistory of the Holy Father on Monday. For this purpose, the aforementioned Eminent and Reverend Lords Cardinals, at approximately ten o'clock in the morning, proceeded to the Sistine Chapel, where the usual motets were being performed by the Papal Chapel Cantors, and there, in the presence of the Eminent and Reverend Lords Cardinals, Heads of Orders, Chancellor of the Holy Roman Church, and Chamberlain of the Sacred College, they took the

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oath according to the Apostolic Constitutions. Meanwhile, His Holiness descended with His Noble Court into the Sala dei Paramenti, where the Eminent and Reverend Lords Cardinals, the Assistant to the Throne, the Archbishops and Bishops, the various Colleges of the Roman Prelature, the Officials and the Chamberlains, together with the Secretary of the Sacred Congregation of Rites, the Promoter of the Faith, the Consistorial Advocates, and others accustomed to attend the solemn pontifical functions, were waiting. He assumed the sacred vestments, and from the Ducal Hall, ascended onto the sedan chair carried by flabelli, preceded and followed by the aforementioned persons, and proceeded to the Aula delle Beatificazioni, and upon ascending the Throne, began the solemn ceremony. While the Eminent and Reverend Lords Cardinals offered the act of obedience to the Holy Father, the Papal Chapel Cantors interspersed two further motets appropriate to the occasion. Afterwards, the newly appointed Cardinals, introduced into the Hall by the Cardinal Deacons, presented themselves to the Throne of His Holiness, to whom they kissed the foot and the hand, receiving his blessing. Embraced then by their colleagues, they proceeded to...

[*Latin ed. p. 600*]

600 Acta Apostolicae Sedis. - Official Commentary. they were assigned their proper places. Therefore, the newly created Cardinals, having returned to the Papal Throne, received from the hands of His Holiness, with the usual formalities, the Cardinal's hat. During this ceremony, the Reverend Advocate of the Consistory, Commendator Odoardo Marchetti, for the first time, presented the cause for the beatification and canonization of the Venerable Servant of God, Joseph Cafasso, a secular priest of Turin. After this presentation, the Monsignor Promoter of the Faith protested before His Holiness that the aforementioned cause should first be submitted to the Congregation of Sacred Rites, and then the Holy Father responded: "To Our Congregation of Rites, that it may examine and report." After this, His Holiness, having risen from his seat and blessing those present from the throne, descended, and, preceded and followed by the Sacred College, together with the newly created Cardinals, as well as the aforementioned dignitaries, returned in a palanquin to the Sala dei Paramenti (Hall of Vestments), from which, after removing the sacred vestments, He ascended with His Noble Court to His apartments. Subsequently, the Most Reverend Cardinals proceeded in procession to the Sistine Chapel, preceded by the Papal Singers, who sang the Ambrosian hymn; after which, the Reverend Cardinal Sub-Deacon recited the prayer "super creatos Cardinales" (over those created Cardinals), and as they exited the Chapel, the newly created Cardinals received a second embrace from their colleagues. After the public Consistory, the secret Consistory took place in the usual hall, in which the Holy Father, after closing his

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mouth, as is customary, proposed the following churches to the Most Reverend and Most Illustrious newly created Cardinals: The Cathedral Church of Lausanne and Geneva, for the Reverend Andrea Bovet, of the same diocese, where he is a professor in the Seminary of Freiburg and holds a doctorate in Sacred Theology. The Cathedral Church of La Pace (of Peace), for the Reverend Emanuele Giuseppe Pena, Canon of the Cathedral of S. Croce de Sierra, a doctor in Sacred Theology and a licentiate in Canon Law. The titular Bishopric of Arpasa, for the Most Reverend Monsignor Giuseppe Pfluger, General Vicar of Vienna, appointed as an Auxiliary to the Most Reverend Nagl, Archbishop of that city. The titular Bishopric of Sofene, for the Reverend Riccardo Sepulveda, Ecclesiastical Governor of Tenuco, and General Vicar of Monsignor Bishop of Conception in Chile. Therefore, His Holiness announced the appointment to the following churches, already made by Bull or Brief: The titular Archbishopric of Damascus, for the Most Reverend Monsignor Angelo Giacinto Scapardini, of the Order of the Preachers, promoted from the cathedral church of Nusco.

[*Latin ed. p. 601*]

Sacred Congregation of the Council.

601. Archbishopric of Perugia, for the Most Reverend Monsignor Giovanni Beda Gardinale, transferred from the titular archbishopric of Laodicea.

Titular Archbishopric of Laodicea in Phrygia, for the Most Reverend Monsignor Sebastian Herscher, promoted from the bishopric of Langres.

Titular Archbishopric of Pessinonte, for the Reverend Father Anthony Bauer, of the Archdiocese of Zagreb, where he is a Canon of the Metropolitan Church, appointed as Coadjutor with future succession to the Archbishop of Zagreb.

Archbishopric of Amalfi, for the Most Reverend Monsignor Angelo Maria Dolci, transferred from the titular archbishopric of Nazianzus.

Metropolitan Archbishopric of Colocza and Bács, for the Most Reverend Monsignor Giovanni Csernoch, promoted from the cathedral church of Csanada.

Titular Archbishopric of Ciò, for the Most Reverend Monsignor Giovanni Keane, transferred from the archbishopric of Dubuque.

Metropolitan Archbishopric of Philadelphia, for the Most Reverend Monsignor Edmondo Francesco Pkendergast, promoted from the titular see of Scillium.

Metropolitan Archbishopric of Kingston, for the Reverend Father Michele Giuseppe Spratt, of the same archdiocese, and there Rector of the church of Saint Michael of Belleville.

Metropolitan Archbishopric of Dubuque, for the Most Reverend

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Monsignor Giacomo Giovanni Keane, promoted from the bishopric of Cheyenne.

Titular Archbishopric of Nazianzus, for the Reverend Father Dionysius Schuler, formerly General Minister of the Order of Friars Minor of the Leonine Union.

Archbishopric of Pondicherry, for the Reverend Father Elia Giov. Giuseppe Morel, of the Society of Foreign Missions of Paris.

Archbishopric of Smyrna, for the Reverend Father Antonio Zucchetti, of the Capuchin Order.

Archbishopric of Scutari, for the Most Reverend Monsignor Giacomo Sereggi, promoted from the bishopric of Sappa.

Archbishopric of Tokio, for the Reverend Father Francesco Bonne, of the Society of Foreign Missions of Paris.

Archbishopric of Simia, for the Reverend Father Edoardo Giovanni Kenealy, of the Capuchin Order.

Titular Archbishopric of Theodosiopolis, for the Most Reverend Monsignor Nicola Marconi, promoted from Pulati.

Titular Archbishopric of Tyre, for the Most Reverend Monsignor Francesco Nagl, promoted from the cathedral church of Trieste and Capo d'Istria, appointed as Coadjutor with succession to His Eminence Cardinal Antonio Gruscha, Archbishop of Vienna; already succeeded.

Titular Archbishopric of Nisibis, for the Reverend Father Gregory Govrik, Abbot General of the Mekitarist Congregation of Vienna.

Titular Archbishopric of Calcedonia of the Armenians, for the Most Reverend Monseigneur ACTA, vol. IH, n. 16. — 30-11-911. 41.

[*Latin ed. p. 602*]

602 Acta Apostolicae Sedis. - Official Commentary. Signor PIETRO KOJUNIAN, promoted from the seat of Alexandria in Egypt, appointed as the Ordinary Bishop for the Armenians in Rome. The Archiepiscopal Church of Acrida, for the Reverend GIUSEPPE ROCOSSIAN, appointed as Auxiliary and Vicar of His Eminence Monsignor Paolo Pietro XIII Terzian, Armenian Patriarch of Zülz. The Archiepiscopal Church of Mardm of the Armenians, for the Reverend D. IGNAZIO MALO JAN, of the Patriarchal Congregation of Bzommar. The Episcopal Church of Ariasso, for the Reverend GIULIO MOURY, of the Society of Lyons for African Missions, elected as Apostolic Vicar of the new Vicariate of the Ivory Coast. The Episcopal titular Church of Termesso, for the Reverend LUIGI CALZA, of the Institute of Saint Francis Xavier of Parma, elected as Apostolic Vicar of Western Ho-nan. The Episcopal titular Church of Arado, for the Reverend NOÈ GIUSEPPE TACCONI, of the Seminary of Foreign Missions of Milan, elected as Apostolic Vicar of Southern Ho-nan. The Episcopal titular Church of Canno, for the

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Reverend GIOVENZIO HOSPITAL, of the Augustinians, appointed as Apostolic Vicar of Northern Ho-nan. The Episcopal titular Church of Antigonea, for the Reverend TEODORO ROOSMALEN, appointed as Apostolic Vicar of Dutch Guiana. The Episcopal titular Church of Avara, for the Reverend COSTANZO JEANNINGROS, appointed as Coadjutor to the Apostolic Vicar of Eastern Cochinchina. The Episcopal titular Church of Antifre, for the Reverend GIUSEPPE BIGOLET, appointed as Coadjutor to the Apostolic Vicar of Western Tonkin. The Episcopal titular Church of Daraa, for the Reverend FLORIANO DÉMANGE, appointed as Apostolic Vicar of Tai-Kou. The Episcopal titular Church of Bagi, for the Reverend CELESTINO IBANEZ, of the Order of Friars Minor, appointed as Apostolic Vicar of Northern Scen-Si. The Episcopal titular Church of Adraa, for the Reverend FRANCESCO SAVERIO DI ARENYS DE MAR, appointed as Apostolic Vicar of Guam. The Episcopal titular Church of Castorio, for the Reverend MARIA AUGUSTO CHAPUIS, appointed as Coadjutor with future succession to the Monsignor Bishop of Kumbakonam. The Episcopal titular Church of Olla, for the Reverend CARLO FRANCESCO LASNE, of the Congregation of the Mission, appointed as Coadjutor with future succession to the Apostolic Vicar of Southern Madagascar. The Episcopal titular Church of Aspendo, for the Reverend LUIGI ELISEO FATIGUET, of the Congregation of the Mission, appointed as Apostolic Vicar of Northern Kiam-Si. The Episcopal titular Church of Siti fi, for the Reverend ALESSIO LEMAITRE, of the Missionaries of Africa, appointed as Apostolic Vicar of the Sahara.

[*Latin ed. p. 603*]

The Sacred Congregation Consistorial.

The titular bishopric of Mater, for the Reverend Maturino Guillemé, of the Missionaries of Africa, appointed Apostolic Vicar of Nyassa.

The titular bishopric of Amiso, for the Reverend Francesco Belleville, of the Society of Foreign Missions of Paris, appointed Apostolic Vicar of Southern Tonkino.

The titular bishopric of Barbalisso, for the Reverend Maurizio Francesco Ducœur, of the Society of Foreign Missions of Paris, appointed Apostolic Prefect of Kuam-Si.

The titular bishopric of Magnesia, for the Reverend Luigi Munsch, of the Congregation of the Holy Spirit and the Immaculate Heart of Mary, appointed Apostolic Vicar of Kilima-Njaro.

The titular bishopric of Anchialo, for the Reverend Raffaele Pressuti, of the Capuchin Minor Order, appointed Apostolic Vicar of Arabia.

The titular bishopric of Berenice, for the Reverend Ovidio Charlebois, of the Oblates of the Immaculate Mary, appointed Apostolic Vicar of Keewatin.

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The titular bishopric of Eurea, for the Reverend Giovanni Battista Maria de Guebriant, of the Seminary of Foreign Missions of Paris, appointed Apostolic Vicar of Kientchang (China).

The titular bishopric of Batanea, for the Most Reverend Matteo Gibney, transferred from the cathedral see of Perth.

The titular bishopric of Car adro, for the Reverend Michele Antonio Maria Vuylsteke, of the Dominicans, appointed Apostolic Vicar of Curaçao.

The titular bishopric of Tloe, for the Most Reverend Eugenio Kleiner, transferred from the cathedral see of Mysore.

The titular bishopric of Cerasonte, for the Reverend Ludovico Anneau, of the Company of Mary of Montfort, appointed Apostolic Vicar of the Shirè in Africa.

The titular bishopric of Tamasso, for the Reverend Paolo Alberto Faveau, of the Institute of Priests of the Mission, appointed Apostolic Vicar of the Western Ce-kiam.

The titular bishopric of Dorileo, for the Most Reverend Fulgenzio Torres, Abbot of Nova Norcia, and Administrator of the Apostolic Vicariate of Kimberley.

The titular bishopric of Cerasa, for the Reverend Leonardo di S. Andrea, a Passionist, appointed Coadjutor with succession to Monsignor Enrico Doulcet, Bishop of Nicopoli.

The titular bishopric of Alali, for the Reverend Giuseppe Fabrègues, of the Institute of Priests of the Mission, appointed Apostolic Vicar of the Central Ce-lì.

The titular bishopric of Joppe, for the Reverend Eugenio Massi, of the Order of the Friars Minor, appointed Apostolic Vicar of the Northern Scian-Si.

[*Latin ed. p. 604*]

604 Acta Apostolicae Sedis. - Official Commentary. The titular bishopric of Capsa, for the Reverend Father Giuseppe Sweens, of the Missionaries of Africa, appointed as Coadjutor with succession to the Apostolic Vicar of Victoria-Nyanza Southern. The titular bishopric of Bubasti, for the Reverend Father Agostino Duret, of the African Missions of Lyons, appointed as Apostolic Vicar of the Nile Delta. The titular bishopric of Zoara, for Monsignor Pietro Agostino O'Neill, transferred from the cathedral see of Port Louis. The titular bishopric of Lampa, for the Reverend Father Giovanni Pietro Fayolle, of the Seminary of Foreign Missions of Paris, appointed as Coadjutor with succession to the Apostolic Vicar of Se-ciuen Southern. The titular bishopric of Maronia, for the Reverend Father Filippo Perlo, of the Institute of the Missionaries of the Consolata of Turin, appointed as Apostolic Vicar of Kenya. The titular bishopric of Ezani, for Monsignor Pietro Vigano, Director of the Lombard Seminary for Foreign Missions,

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transferred from the cathedral see of Hyderabad. The titular bishopric of Arcadiopolis, for the Reverend Father Celestino Joussard, of the Oblates of the Immaculate Mary, appointed as Coadjutor with succession to the Apostolic Vicar of Athabaska in Canada. The cathedral church of Sappa, for the Reverend Giorgio Koletzi. The cathedral church of Alessio, for the Reverend Luigi Bumei. The cathedral church of Perth, for the Reverend Patrizio Giuseppe Clune, of the Redemptorists. The cathedral church of Gibraltar, for the Reverend Enrico Gregorio Thompson, of the Benedictines of the primitive observance. The cathedral church of Mangalore, for the Reverend Father Paolo Perini, of the Society of Jesus. The cathedral church of Port Louis, for the Reverend Giacomo Romano Bilsborrow, of the English Benedictine Congregation. The cathedral church of Auckland, for the Reverend Father Enrico Guglielmo Gleary. The cathedral church of Candia, for the Reverend Francesco Giuseppe Seminara, of the Capuchin Minor Order. The cathedral church of Port-Victoria, for Monsignor Bernardino Tommaso Clark, transferred from the titular bishopric of Tingi. The titular bishopric of Tiberiade, for the Reverend Bernardino Shlaku, appointed as Coadjutor with succession to Monsignor, the Bishop of Pulati; already succeeded.

[*Latin ed. p. 605*]

Sacred Congregation of Councils.

To the Cathedral Church of Lismore, for the Reverend JOHN CARROLL, of the English College.

To the Cathedral Church of Hyderabad, for the Reverend DIONISIUS VISMARA, of the Seminary for Foreign Missions of Milan.

To the Cathedral Church of Iglesias, for Monsignor JOSEPH DALLEPIANE, diocesan of Piacenza, Canon of the Cathedral there, and General Vicar.

To the Cathedral Church of Nusco, for the Reverend DOM LUIGI PAULINI, diocesan of Udine, and Penitentiary Canon of the Metropolitan Church.

To the titular Bishopric of Eucarpia, for Monsignor JOHN GARIGLIANO, diocesan of Turin, General Vicar of L'Aquila.

To the titular Bishopric of Gerocesarea, for Monsignor JOHN MARIA LAVAL, General Vicar of New Orleans, Auxiliary to the Archbishop of New Orleans.

To the Cathedral Church of Grenoble, for Monsignor LOUIS JOSEPH MAURIN, General Vicar of Marseille.

To the Cathedral Church of Poitiers, for Monsignor LOUIS HUMBRECHT, Archdeacon of Besançon, and General Vicar there.

To the Cathedral Church of Stisa, for the Reverend DOM JOSEPH CASTELLI, of the diocese of Turin, Parish Priest and Rural Dean in

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Cuorgné.

To the Cathedral Church of Cali in Colombia, for Monsignor ELADIO PERLAZA, diocesan of Popayan, and General Vicar in Cali.

To the Cathedral Church of Toledo in the United States, for the Most Reverend Monsignor JOSEPH SCHREMBS, transferred from the titular Bishopric of Sofene.

To the Cathedral Church of Bigione, for the Reverend JAMES LEWIS MONESTÈS, Canon of the Cathedral of Agen.

To the titular Bishopric of Emesa, for Monsignor GEORGE DE LUCCHL, of the diocese of Vicenza, Canon Theologian of the Cathedral, and Professor in the Seminary.

To the Cathedral Church of Munster, for Monsignor FELIX DE HARTMANN, of the same diocese, Dean of the Chapter, and Capitular Vicar, Apostolic Protonotary.

To the Cathedral Church of Regina, for Monsignor OLIVIERO ELEAZAR MATHIEU, diocesan of Québec, Apostolic Protonotary, formerly Rector of the University of Lavai in Québec.

To the Cathedral Church of Spalato, for the Reverend ANTHONY GJIVOIC, diocesan of Zara, Honorary Canon of the Metropolitan Church, and Rector of the Central Theological Seminary.

To the titular Bishopric of Scillio, for the Reverend RAMIRO FERNANDEZ Y VALBUENA, of the archdiocese of Toledo, Canon Penitentiary of the Metropolitan Church there, Auxiliary to the Most Reverend Cardinal DE HERRERA Y DE LA IGLESIA, Archbishop of Santiago de Compostela.

[*Latin ed. p. 606*]

606 Acta Apostolicae Sedis. - Official Commentary. Titular Church for the Most Reverend Monsignor RAFFAELE SANDRELLI, transferred from the Cathedral Church of Borgo S. Sepolcro. Cathedral Church of Natchez, for the Reverend Father GIOVANNI E. GUNN, of the Society of Mary, Rector of the Church of the Sacred Heart of Jesus in the city of Atlanta, in the diocese of Savannah. Cathedral Church of Zamboanga (Philippines), for the Reverend MICHELE O' DoHERTY, of the diocese of Achonry, Rector of the Irish College of Salamanca. Cathedral Church of St. Agatha of the Goths, for the Most Reverend Monsignor ALESSIO ASCALESI, transferred from the See of Muro Lucano. Cathedral Church of Dallas, for the Reverend GIUSEPPE PATRIZIO LYNCH, of the same city of Dallas, Administrator of the diocese and Rector of the Church of St. Edward in Dallas. Cathedral Church of Achonry, in Ireland, for the Reverend PATRIZIO MORRISROE, Prefect of Discipline in the Maynooth College, in the same diocese. Cathedral Church of St. Louis de Caceres in Brazil, for the Reverend MODESTO AUGUSTO VIEIRA, archdiocesan of Marianna, Parish Priest of Caratinga. Cathedral Church of Uruguaiana in Brazil, for the Reverend

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ERMETE GIUSEPPE PINHEIRO, Parish Priest in the city of Recife, in the archdiocese of Olinda. Cathedral Church of Aracaju in Brazil, for the Reverend GIUSEPPE TOMMASO GOMES DA SILVA, diocesan of Parahyba, Secretary of the same diocese and professor in the Seminary. Cathedral Church of Floresta in Brazil, for the Reverend ALVARO AUGUSTO DA SILVA, Parish Priest of St. Joseph in the city of Recife, in the archdiocese of Olinda. Cathedral Church of Pelota, for Monsignor FRANCESCO DE CAMPOS BARRETO, Parish Priest of St. Cross in Campinas, Archpriest of the Cathedral Chapter and General Procurator of the same diocese of Campinas. Cathedral Church of St. George of Newfoundland, for the Reverend MICHELE FINTANO POWER, archdiocesan of St. John's of Newfoundland. Cathedral Church of Lincoln, for Monsignor GIOVANNI ENRICO TIHEN, General Vicar of Wichita and Domestic Prelate of His Holiness. Cathedral Church of Moulins, for the Reverend Giov. BATT. PENON, Dean Parish Priest of St. Mary Magdalene of Aix and Honorary Canon of the same Metropolitan Church. Cathedral Church of Arras, for the Most Reverend Monsignor EMILIO LOBBEDEY, transferred from Moulins. Cathedral Church of Giavarino, for the Reverend LEOPOLDO ARPAD VARADY, diocesan of Csanád, there a Canon of the Cathedral Church. Titular Church of Csanád, for Monsignor GIULIO GLATTFELDER, archdiocesan of Strigonia, Secret Chaplain of Honor of His Holiness and professor of sacred eloquence in the theological faculty of the University of Budapest.

[*Latin ed. p. 607*]

Sacred Congregation of Councils. 607 Cathedral Church of Plymouth, for the Reverend JOHN KEILY, Canon of the same Cathedral Church of Plymouth. Cathedral Church of Troy, for the Most Reverend Monsignor DOMENICO LANCELLOTTI, Apostolic Visitator of the same diocese, transferred from the titular church of Delco. Cathedral Church of Great Varadin, of the Latin rite, for the Most Reverend Monsignor NICOLA SZÉCHENYI, transferred from Giavarino. Cathedral Church of Albenga, for the Reverend JOSUÈ CATTAROSSI, of Udine, there Director Spiritual in the Seminary of Cividale. Titular Bishopric of Bistrate! Reverend EMILIO FERRAIS, of Verona, there professor in the Seminary, Vice-Chancellor of the Curia, appointed Auxiliary to the Most Reverend Cardinal Archbishop of Catania. Titular Bishopric of Mopsuestia, for the Reverend EMANUELE DA SILVA GOMES, Canon of the Metropolitan Church of Bahia, professor of the Seminary, appointed Auxiliary to the Bishop of Fortaleza. Cathedral Church of Chiavari, for the Reverend JOHN GAMBERONI, archdiocesan of Milan, Parish Priest of Carate Brianza. Cathedral Church of Aversa, for the Most Reverend Monsignor SETTIMIO CARACCIOLO DI TORCHIAROLO, transferred from Alife. Cathedral Church of Squillace, for Monsignor EUGENIO TOSI, archdiocesan of Milan, Oblate of the Missionaries of St. Charles, and

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General Vicar in Rimini. Titular Bishopric of Selinonte, for Father ANGELO PORTELLI, of the Preachers, appointed Auxiliary to the Archbishop-Bishop of Malta. Cathedral Church of Cassano al Ionio, for Monsignor GIUSEPPE ROVETTA, diocesan of Brescia, there Abbot and Parish Priest of Montichiari, Protonotary *ad instar participantium*. Titular Bishopric of Ortosia, for the Reverend SEBASTIANO LEME DA SILVEIRA CINTRA, Canon of the Metropolitan Church of St. Paul in Brazil, there Pro-Vicar General, appointed Auxiliary to the Most Reverend Arcoverde Cavalcanti, Archbishop of Rio Janeiro. Titular Bishopric of Tiberias, for the Most Reverend Monsignor CARLO MAURIZIO GRAHAM, transferred from the Cathedral Church of Plymouth. Cathedral Church of Corumba, for the Most Reverend Monsignor CIRILLO DE PAOLA FREITAS, transferred from the titular bishopric of Eucarpia. Titular Bishopric of Helenopolis, for Monsignor JOHN BAPTIST NEUDECKER, Dean of the Metropolitan Chapter of Munich, there General Vicar and Apostolic Protonotary *ad instar participantium*, appointed Auxiliary to the Archbishop of Munich. Cathedral Church of Montes Claros in Brazil, for the Most Reverend Monsignor JOHN ANTONIO PIMENTA, transferred from the titular bishopric of Pentacomia. Titular Bishopric of Sinop, for Monsignor PIETRO GOEBL, archdiocesan of Munich and Freising, Canon of the Cathedral of Augusta, there Vicar.

[*Latin ed. p. 608*]

608 Acta Apostolicae Sedis. – Official Commentary. General Domestic Prelate of His Holiness, appointed Auxiliary to the Bishop of Augusta. Cathedral Church of Cariati, for the Reverend Father JOHN SCOTT, of Ischia, there a Canon of the Cathedral, professor and rector of the Seminary. Cathedral Church of Vicenza, for the Reverend Father FERDINAND RODOLFI, of the diocese of Pavia, there a Canon and theologian of the Cathedral, professor in the Seminary. Cathedral Church of Sarsina, for Monsignor EUGENIO GIAMBRO, Canon penitentiary, Rector of the Seminary and General Vicar of Nicastro. Cathedral Church of Langres, for Monsignor OLIVIERO DE DURFORT-CIVRAÇ DE LORGE, of the diocese of Le Mans, Apostolic Protonotary *ad instar Participantium*. Cathedral Church of Zacatecas in Mexico, for the Reverend MICHELE DE LA MORA, of the archdiocese of Guadalajara, there a Canon and master of the Metropolitan Church, Rector of the Seminary. United Cathedral Churches of Trieste and Capo d'Istria, for the Reverend Father ANDREA KARLIN, of the diocese of Ljubljana, there a Canon of the Cathedral. Cathedral Church of Saint Mary in Brazil, for Monsignor MICHELE DE LIMA VALVERDE, of the archdiocese of Saint Salvatore of Bahia, there a Canon of the Metropolitan Church and General Vicar. Titular Bishopric of Teuchira, for the Reverend Father JOHN BAPTIST HIERL, of the diocese of Ratisbon, there a Canon of the Cathedral, appointed Auxiliary to the

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Bishop of Ratisbon. Cathedral Church of Corrientes, for the Reverend Father LOUIS NIELLA, of the same diocese, there a *vicarius foraneus* in Corrientes. Titular Bishopric of Tacia, for Monsignor CLETO CASSANI, of the archdiocese of Milan, formerly Apostolic Administrator of Foligno, appointed Auxiliary to the Archbishop of Sassari. Titular Bishopric of Cambisopoli, for Monsignor JOSEPH BUTT, of the diocese of Westminster, Domestic Prelate of His Holiness, Vice-Rector of the Beda College in Rome, appointed Auxiliary to the Archbishop of Westminster. Cathedral Church of Crema, for the Reverend Monsignor BERNARD PIZZORNO, transferred from the titular see of Comana. Cathedral Church of Spires, for the Reverend MICHELE FAULHABER, of the diocese of Erbipoli, Professor in the University of Munich. Titular Bishopric of Sura, for Monsignor IGNATIUS RIEDER, of the archdiocese of Salzburg, Professor of theology, appointed Auxiliary to the Most Reverend Archbishop of Salzburg. Titular Bishopric of Theodosiopolis, for Monsignor WILLIAM KLOSKE, of the archdiocese of Gnesen and Posen, Canon of the Metropolitan Church of Gnesen, Rector of the Seminary and Official of the General Consistory of Gnesen.

[*Latin ed. p. 609*]

Sacred Congregation of Councils. 609 Cathedral Church of Montefiascone, for the Reverend Father Giovanni Rosi, of the diocese of Crema, Rector and Professor in the Seminary. Cathedral Church of the Marsi, for the Most Reverend Father Pio from Saint Joseph, of the archdiocese of Florence, formerly known as Marcello Bagnoli, General Definitor of the Discalced Carmelites and Consultor to the Sacred Congregations of the Council and of Religious. Titular Bishopric of Cestro, for the Reverend Edoardo Dionisio Kelly, of the diocese of Detroit, where he is a parish priest in Ann Arbor, appointed as an Auxiliary Bishop to the Most Reverend Bishop of Detroit. Cathedral Church of Bovino, for Monsignor Uberto Maria Fiodo, of the diocese of Naples, Domestic Prelate of His Holiness, formerly General Vicar and Chapter Canon in Città della Pieve, and Apostolic Administrator of Corneto and Civitavecchia. Cathedral Church of Barano, for the Reverend Emidio T□□□, of Ascoli Piceno, Canon of the cathedral, Episcopal Chancellor, and professor in the Seminary. Titular Bishopric of Porfirio, for the Reverend Father Agostino Zampini, of the Order of Saint Augustine, Provincial of Tuscany, promoted to SACRISTAN OF HIS HOLINESS. Cathedral Church of Salmas of the Chaldeans in Persia, for the Reverend Father Pietro Aziz Ho, of the diocese of Mossoul, Parish Priest and Patriarchal Vicar in Aleppo. Cathedral Church of Mardin of the Chaldeans, for the Reverend Father Israele Audo, of the diocese of Mossoul, Parish Priest and Patriarchal Vicar in Bassorah. Cathedral Church of Marasci of the Armenians, for Monsignor Avedis Arpiarian, transferred from the titular Archbishopric of Anazarbo. Cathedral Church of Erzerum of the Armenians, for the Rev-

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erend Father Giuseppe Melcrtbsdeghian, Patriarchal Vicar in the same diocese. Cathedral Church of Muse of the Armenians, for the Reverend Father Giacomo Topussian, of the diocese of Brussa, and there Patriarchal Vicar General. Cathedral Church of Ahden of the Armenians, for the Reverend Father Pasquale Keklikian, of the diocese of Brussa, and Patriarchal Vicar in Ahden. Cathedral Church of Andra of the Armenians, for the Reverend Father Gregory Bahabanian, of the diocese of Ancira, Parish Priest of the Armenian church in Livorno. Cathedral Church of Caesarea of Cappadocia of the Armenians, for the Reverend Father Antonio Bahabanian, of the diocese of Ancira, and there Parish Priest. Cathedral Church of Trebizond of the Armenians, for the Reverend Father Giovanni Naslian, of the diocese of Karputh, Extraordinary Chamberlain and Rector of the Pontifical Armenian Leonine College in Rome. Cathedral Church of Alexandria of Egypt of the Armenians, for the Reverend Father Giovanni Couzian, of the Patriarchal Congregation of Bzommar, and there Superior. Titular Bishopric of Grazianopolis, for the Reverend Isaia Papadopoulos, of Constantinople, appointed for the Catholics of the pure Greek rite.

[*Latin ed. p. 610*]

610 Acta Apostolicae Sedis. - Official Commentary. The titular episcopal church of Pella, for the Reverend Father TOMASO KURIALACHERRY, appointed Apostolic Vicar of the Siro-Malabar Rite of Changanachery. The titular episcopal church of Arad, for the Reverend Father AGOSTINO KAUDATKIL, appointed Coadjutor with future succession to the Most Reverend Monsignor Luigi Pareparambil, Apostolic Vicar of the Siro-Malabar Rite of Ernaculam. Subsequently, His Holiness, according to custom, addressed the newly created Cardinals. Then, His Beatitude received petitions for the granting of the Sacred Pallium to the Metropolitan Churches of Vienne, Siena, Munich, and Freising; Burango, Peggio Calabria, Bourges, Taranto, Udine, Vancouver, Besançon, Mohilew, Brindisi, Lucca, Zara, Ottawa, Perugia, Amalfi, Colocza, and Bács; Philadelphia, Kingston, Bubuque, Olinda, Portalegre in Brazil, Cuyabé, Birmingham, Liverpool, Linares, Mechoacan, Pondicherry, Smyrna, Scutari, Tokio, Simia, Madras, and Sydney; as well as for the Cathedral Churches of Troy, Verdun, and Ghent, by privilege. Finally, the Holy Father placed the Cardinal's ring on the aforementioned Cardinals, and assigned: To the Most Reverend FALCONIO, the presbyteral title of Saint Mary in Aracoeli; To the Most Reverend GRANITO DI BELMONTE, the title of Saint Mary of the Angels; To the Most Reverend FARLEY, the title of Saint Mary above Minerva; To the Most Reverend BOURNE, the title of Saint Pudenziana; To the Most Reverend AMETTE, the title of Saint Sabina; To the Most Reverend O'CONNELL, the title of Saint Clement; To the Most Reverend ROVÉRIÉ DE CARRIÈRES, the title of Saint Mary of Victory; To the Most Reverend BISLETI, the diaconal title of Saint Agatha

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of the Goths; To the Most Reverend LUGARI, the diaconal title of Saint Mary in Portico; To the Most Reverend POMPILI, the diaconal title of Saint Mary in Bomnica; To the Most Reverend BILLOT, the diaconal title of Saint Mary in Via Lata; To the Most Reverend VAN ROSSUM, the diaconal title of Saint Caesareus. Having retired to his apartments, His Holiness received privately the aforementioned Cardinals.

[*Latin ed. p. 611*]

The Holy Congregation of Rites. 611. HOLY CONGREGATION OF RITES. DOUBTS. Since the feast of the Solemn Commemoration of the Most Holy Body of Our Lord Jesus Christ, to be celebrated, according to the Decree of July 24th of the current year, with a privileged octave, similar to the octave of the Epiphany, the following doubts have been proposed to the Sacred Congregation of Rites for a suitable solution: I. Whether, with the approach of the feast of the Solemn Commemoration of the Most Holy Body of Our Lord Jesus Christ, the octaves already begun should still continue: and whether any feast of the first class occurring within this privileged octave enjoys its own octave? II. Whether the octave of the aforementioned Solemn Commemoration of the Most Holy Body of Our Lord Jesus Christ excludes feasts of the first class occurring therein? And the Sacred Congregation itself, with the undersigned Secretary present, having heard the opinion of the Liturgical Commission, and after mature examination and deliberation, judged it fitting to respond as follows: To I. Affirmative to both. To II. Affirmative, except for the feast of the Most Holy Apostles Peter and Paul. And thus it was written on November 17th, 1511. L. £6 S. Fr. S. CARDINAL MARTINELLI, Prefect. Petrus La Fontaine, Bishop of Chariestien, Secretary. THE SACRED ROMAN ROTAL COURT OF MELITENA. (Melitena.). FUNERALS. During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on July 28th, 1911, the Most Reverend Fathers, Doctors Ioannes Prior, Ponens, Aloysius Sincero, and Iosephus Mori, in the case of "Melevitana Funerum," between the Chapter of the Collegiate Church of the Most Holy Immaculate Conception in the City of Conspicua, appealing, represented by the legitimate procurator Christopher Astorri, and the Reverend Canon Doctor Iosephus Azzopardi, Perpetual Vicarious of the same Church, represented by his legitimate.

[*Latin ed. p. 612*]

612 Acta Apostolicae Sedis. - Official Commentary. The definitive sentence was delivered by the then procurator, Vincent Sacconi. In the city of "Conspicua," within the diocese of Melevitana, in the year 1822, a collegiate chapter of the Church of the Blessed Virgin, conceived without sin, was established by Pius VII, and, with habitual care of souls entrusted to the chapter, the actual care was assigned to the Archpriest. However, with the passage of time, it was discovered that the stipends of the canons had been

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greatly diminished due to the calamities of the times, while the Archpriest was amply provided for from the certain and uncertain revenues derived from the actual care. Furthermore, disputes arose between them and the Archpriest, especially concerning the right that he claimed to ordain ecclesiastical functions independently of the chapter, to the complaint of the dignitaries and canons. Therefore, in the year 1830, Pius VII, by his Constitution, decreed: "that the aforementioned care of souls, together with all certain and uncertain emoluments derived from it in any way, from the aforementioned archpriestship, after the archpriestship has become vacant by the departure of the then-existing Archpriest, should be separated, and that the same care, both habitual and actual, and its free exercise, should be granted and united to the aforementioned chapter, to be exercised either by the dignitaries and canons in turn, or by a secular priest, to be called a Vicarious Curate, appointed and removable by the chapter itself, but first to be examined and approved by the local Ordinary, with a suitable annual salary to be provided by the aforementioned chapter, and that all certain and uncertain emoluments arising from the exercise of such care of souls, and separated from the aforementioned archpriestship, should be equally divided among the aforementioned capitulars, including the Archpriest himself, namely, in eighteen equal portions in any way." However, the execution of this Constitution, unfortunately, did not achieve its intended effect due to new difficulties that arose. However, after amicable arrangements were made with the Ordinary and the chapter, certain proposals were jointly made, and were confirmed by an Apostolic Bull of Pius IX on October 1, 1850, as follows: "It is hereby decreed that the aforementioned Letters of Pope Pius VIII, the predecessor, concerning those matters relating to the union of the habitual care with the actual care of the aforementioned chapter, remain firm and are confirmed, with the following regulations for the moderation of the exercise of this care: "1.° That the actual care should be exercised perpetually and immovably united with the habitual care by a Vicarious Curate, chosen by the entire chapter, including the Archpriest, and confirmed by the Ordinary, in the manner and form hereinafter determined. "2.° That the administration should pertain only to the Vicarious Curate.

[*Latin ed. p. 613*]

"Regarding the administration of the sacraments and all matters pertaining to the actual care of souls, this is strictly the duty assigned to him: provided that the rights and privileges of the Chapter are preserved in all other respects, even concerning this administration, which is due to the Chapter as Rector of the Church; and that all other rights and privileges remain reserved to the Chapter as Rector of the Church.

7. And concerning the revenues derived from this administration of the care of souls, it has been established that from such revenues, both certain

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and uncertain, three hundred annual *scutata* of Melitan currency, entirely free from any burden, shall perpetually be assigned to the Vicarious Curate, in a suitable manner; and that the Vicarious Curate shall have the power to derive his income from the offerings derived from the Paschal Benediction; and that the remaining fruits, after deducting the annual pension of fifty *scutata* of Melitan currency, which has been perpetually reserved by the same Apostolic Letters of the same Pope Pius, our predecessor, for the benefit of the then-existing Rector of the Parish Church of Casale Monferrato in the aforementioned Melitan Diocese, and after deducting the salary for two Vice-Parishes to be appointed and removed at the will of the Chapter, and after deducting the alms for masses for the people, shall be ceded to the benefit of the dignity and canons of the aforementioned Chapter, and distributed among them according to the form of the aforementioned Letters of our predecessor, Pope Pius VIII.

Alia was not lacking in disagreements, and on December 20, 1902, the Sacred Congregation resolved definitively eight doubts proposed by the disputants, among which the first was: "According to the Apostolic Constitutions, does the entire actual care of souls pertain to the Vicarious Curate in this case?" To which the response was: "Affirmatively, as regards the exercise [of that care]." However, the discord was not yet ended. The Melitan Curia, on February 3, 1905, in response to the question proposed: "To whom does the right belong to celebrate the funeral mass, in the presence of the body?" replied: "The funeral mass, in the presence of the body, is to be celebrated by the Vicarious Curate." Then, on June 28, 1907, the same Curia issued another judgment, in which, in response to the doubt proposed: "Does the right to bless the bodies of the deceased, to intone the antiphon 'Exultabunt,' and to determine the route and the time for the funeral procession, belong to the Vicarious Curate, or not?" it replied: "The right to bless the body of the deceased, to intone the antiphon 'Exultabunt,' to declare the route by which the body is to be carried, and to determine the time for the funeral, belongs to the Vicarious Curate, although the Chapter has authority regarding the time." An appeal was lodged with the Sacred Congregation, and the response was given in September. However, the Chapter insisted, and the appeal was admitted."

[*Latin ed. p. 614*]

6. Acta Apostolicae Sedis. - Commentarium Officiale. H. S. Tribuni postea remissam, hodie disceptanda est sub sequentibus dubiis: 1.° Utrum Capitulo Ecclesiae Collegiatae Civitatis Conspicuae competat ius inchoandi exequias per intonationem « Exultabunt Domino », ius adspergendi cadaver aqua benedicta, nec non horam et vias exequiarum designandi? 2.° Utrum constet de re iudicata favore Vicarii Curati relate ad ius celebrandi missam exequialem, praesente cadavere? 3.° Utrum Capitulo supradicto competat idem ius ad missam exequialem, praesente

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cadavere? In iure inquirendum venit: quaenam potestas vicario perpetuo competat ex iure communi? Deinde, an, et quomodo, respectu iurium de quibus in casu disputatur, coarctetur huiusmodi potestas per Apostolicas Constitutiones? Iamvero ex iure communi, iuxta unanimem doctorum sententiam, quidquid potest parochus, id potest et vicarius perpetuus in cura animarum sibi commissa exercenda. Licet parochus titularis non sit, tamen vero parocho in iure aequiparatur. Ita Schmalzgrueber, lib. 1, tit. 28, n. 4, inquirit: « Quale ius vicario perpetuo competat? - Resp.: Si in « ecclesia parochiali canonice sit institutus, acquirit ius reale, ac verum « titulum canonicum beneficii, non quidem directum, qui est penes re« ctorem principalem cuius vices gerere dicitur, sed utilem pensionis, « ex annuis parochiae reditibus sibi assignatae. Hinc verum beneficium « habere censetur et aequiparatur, ita ut quidquid de isto statutum est « in iure, etiam in ipso locum habeat. In specie, - 1.° eidem competit « tota actualis potestas parochialis, et cura animarum per sacramento« rum aliorumque divinorum administrationem ex officio administranda; « Barb., Iur. Eccles., 1,3, c. 6, n. 28; - ... 3.° Idem debetur ipsi honor, locus, « praerogativae, quae aliis parochis. Gonzal., in Reg. 8, gloss. S, sect. 3, n. 29, « § 4. Easdem habet obligationes, quas veri parochi iuxta reg. qui sentit « 55 in 6, c. ... Quorum omnium una eademque ratio est, quia ut initio « num. praec, dixi, et Clem. cit. statuitur, quidquid in iure dispositum « reperitur de parochis, etiam in perpetuis ecclesiarum parochialium « vicariis locum habet ». Sequitur I. c. sub n. 5. « An vicario perpetuo « administratio in divinis competat, etiam praesente rectore principali? « Ratio dubitandi est, quia, praesente eo cuius vices geruntur, cessat, « vel saltem minuitur potestas eius qui vices illius gerebat. Atqui vica« rius, etiam perpetuus, vices gerit tantummodo rectoris principalis. « Ergo etc. Sed retinenda adhuc est affirmativa sententia, et dicendum « est, quod vicarius perpetuus, etiam praesente rectore principali, admi-

[*Latin ed. p. 615*]

St. Bonaventure, 615: ”He can administer the parish in divine matters. Thus, it is common. And this is so true that, without invitation, the principal rector cannot, nor ought he, to interfere in the administration of the sacraments and other divine things, as Laymann states in c. h. 2, title, n. 2. The reason is because, as stated above, the entire actual care is entrusted to the vicar; the principal rector, however, only retains the care in a general sense: but no one can exercise care unless they actually possess it.” Pichler, book 1, title 28, n. 15: ”The perpetual vicar has the entire care of souls, and the exercise of parochial jurisdiction, so that the rector of the church, to which the parish is incorporated, should not or cannot interfere, as long as the vicar is living and not invited.” It is common; and the reason is because the actual pastoral care is entirely entrusted to the vicar, and he is equated with the parish priest in all things, so that whatever is prescribed by law for

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the parish priest should also be understood to apply to the perpetual vicar. Clement, un., h. t. Therefore, in summary, the principal rector has the care of souls in a general sense, while the vicar has it in an actual sense; although the exercise of parochial jurisdiction belongs to the principal rector with regard to external and contentious matters in defending the church, as well as the repair of the building, at least if he receives the larger share of the profits, so that the perpetual vicar is better called the pastor of souls than the rector of the church, unless he also has a special commission for the external affairs." Ferraris, verb. Vicarius Parochialis, n. 14: "The perpetual vicar established in his parochial church has the same power as the true parish priest, or prelate and rector; so that, however, the entire actual care, or with regard to the exercise thereof, belongs to the vicar, while the prelate or principal rector only retains the care in a general sense." Pirhing, book 1, title 28, n. 14 and 15: "Furthermore, just as perpetual vicars are subject to the burdens of parish priests, and other obligations of the care of souls, so also they enjoy the same benefits, according to reg. iur. 56 in 6, with parochial rectors in law, as stated in Glem., unie. h. t. ..... The perpetual vicar established in the parochial church has the same power as the true parish priest, so that the entire actual care, or with regard to the exercise thereof, is entrusted to the vicar. Therefore, the perpetual vicar depends on nothing from the principal rector, since he has obtained the real benefit by the authority of the Bishop, and the parochial care has been actually attributed to him, and therefore, even when the vicar is not invited, the principal rector should not serve in the parochial church, or administer the sacraments; because no one can interfere in the care of souls unless they have an immediate title to it, which the principal rector does not have, whose dignity, canonry, and the parochial church annexed to it are accessory and perpetual. And from this, the principal rector has..."

[*Latin ed. p. 616*]

616 Acta Apostolicae Sedis. - Commentarium Officiale. "Solum cura in habitu, et quidem ex certa dispensatione iuris, dum permittit illud, cum ecclesia curata ei est annexa, arg. c. Praeterea 5, et c. ex Uteris 29, De offic, deleg., et 1, 2ff. de iurisdict. omn. iud. ; Fagnan. in c. Exposuisti 3, n. 39, De Praebend. " Vecchiotti, lib. 1, cap. 8, sect. 87, "Illud vero compertum est ad vicarium parochiale, totam curam animarum et iura spiritualia pertinere; adeoque, licet nullum in beneficio ius ac titulum acquirat, tamen instar parochi habetur, et proprio et ordinario parochi comparatur." Quod iura seu officia de quibus disputatur, sive in levatione cadaveris sive in missa exequiali celebranda, sint parochialia, non est locus ambigendi. Glaris. Ojetti, Synopsis Ber. Mor. et Iur. Pont. verb. Exequiae, haec habet: "Exsequiarum nomine veniunt iure nostro omnes illi ritus quibus Ecclesia cadavera suorum fidelium cohonestat usque ad eorum inhumationem. Quare exsequiae plura comprehendunt, scilicet levare de domo cadaver, funus ducere, offi-

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cium mortuorum recitare, missam exsequialem peragere, benedictionem cadaveri impertiri, illudque in loco sacro reponere. Ius levandi de domo cadaver, sepeliendi et exsequias peragendi, ut ex dictis patet, pertinet ad parochum illius loci, in quo defunctus domicilium vel quasi-domicilium habebat." Et I. c, n. 2147: "Ius autem sepulturae duobus constat, iure nempe peragendi officium funebre super corpus defuncti et iure deponendi corpus in loco sepulturae. Many, Prael. de Locis Sacris, n. 155. Porro ius istud ab his doctoribus inscribitur in primis ecclesiis parochialibus (c. 1,10, tit. 28, lib. 3, X; c. 1, 2), eiusdem tit. (III, 12) in 6; c. 2, eiusdem tit. (III, 7) in Clem." "Quia parochus, ait Van Espen (tit. de Sepult., 28, cap. 3, n 1 et seqq.) vita durante curam spiritualem suorum parochianorum sustinet, ipsisque loco patris est, aequum est ut et defunctis iusta persolvat et locum sepulturae concedat. Et sicuti pro ipsis vivis orare et sacrificium offerre debuit: ita convenit ut pro defunctis preces missasque offerat." Et I. c, cap. 5, n. 1 et seqj.: "Ulterius ostensum est ecclesiae parochiali de iure competere, ut in ea exequiae aliaque justa defunto persolvantur, et parochum esse ordinarium exequiarum aliorumque officiorum defunctis impendendorum ministrum, eique ius esse, ea defunctis suis parochianis administrandi, non secus ac sacramenta aliaque salutis remedia vita durante." Notat Benedict. XIV (Inst., 105, n. 125) quod in cap. Cum in ecclesia de simonia, mortuorum exequiae cum sepulturis, benedictionibus nubentium aliisque sacramentis comparantur: "Necnon et pro sepulturis, et exequiis mortuorum, et benedictionibus nubentium, seu aliis sacramentis."

[*Latin ed. p. 617*]

Saint Roman Bota. 617 Although, with the passage of time, the right of burial, which, according to common law, belongs to the parish church, has been granted to other churches by special or privileged law, it does not therefore follow that the right to perform the funeral rites is also granted. Thus, Van Espen: "Therefore, when burial is granted to a certain church or religious place, or permission is given to bury those who choose to be buried there, it does not necessarily follow that they are given the right, therein, to celebrate funerals, or to perform other ecclesiastical offices for the deceased, because this is not considered a departure from common law, unless the very terms of the privilege express it and require it; indeed, when the words of the privilege are doubtful, they must be interpreted according to the established rules of law, so that the least possible departure is made from common law. And the Roman Pontiffs intend to signify this, by inserting the clause - saving the rights of the churches from which the bodies are taken - of which mention is made in Chapter 9 on Burial (I. c. cap. 5, n. 2 et seq.)." A similar statement is found in Pichler, op. cit., n. 4. "The reason is that it is permitted to the faithful, by law, to choose, for example, to be buried in monasteries, but - saving the rights of the churches from which the bodies are taken, chapter 9, ibid., that is, saving

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the rights of the parochial churches, as canonists explain, and Sixtus IV in Mari Magno states - the right to perform funerals and celebrate funeral rites for parishioners is considered among the parochial rights, as interpreters generally hold, with Abbot, in chapter 9, cited, n. 8." Certainly, very often, the right to perform funerals has been granted to other churches, especially regular ones, along with the right of burial; in which case, the parish priest can only perform the funeral service over the body of a parishioner up to the doors of the church, provided that common law is not overridden by special law. However, Saint Rotam, before Goccino, in the masterful decision "Aversana funeralium" of June 23, 1634, most learnedly explained the principle derived from chapter 2 on Monastic Chapels, and from the final chapter on Archdiaconates, that the parish priest has a legally founded intention only for those who are parochial within the churches located within the parish boundaries (V. S. R. Rot. Segusina - Miss. Advenue, April 6, 1909, and March 5, 1910 - Act. Ap. Sed. an. 1909, n. 422; and 1910, n. 450), declaring that the right to perform funerals in such churches does not belong to the parish priest. But this controversy was resolved seventy years after Coccinus pronounced the aforementioned decision, by the celebrated Decree of the Sacred Congregation of Rites, of December 10, 1903, which was published "to put an end to the controversies that frequently arise between parish priests and religious orders and their chaplains and officials regarding parochial rights and ecclesiastical functions, and certain privileges or prerogatives." In this Decree, regarding the ACTA, vol. III, n. 30. — 2711-911. 42

[*Latin ed. p. 618*]

618 Acta Apostolicae Sedis. - Official Commentary. Twentieth: "Does the parish priest have the right to perform the funeral service over 'bodies to be buried' in the aforementioned churches and chapels of confraternities?" The response is: "Affirmatively, when the deceased is subject to the parish priest within whose jurisdiction the church or chapel is located." (Decree of the Authentic Congregation of the Holy Roman Church, no. 2123). In subsequent centuries, this parochial right was confirmed by particular decrees of the same Congregation. We note some more recent ones: in Caserta, July 7, 1877 (Authentic Decree, no. 3423): "Some years ago, in the Diocese of Caserta, a situation arose where there were parish priests and chaplains of confraternities who had their own chapels separate from the parochial church; namely: to whom does the responsibility fall for performing the funeral service over bodies that are brought to the confraternity's chapel? To the parish priest, or to the chaplain? Parish priests argue that it is their responsibility to perform this service when the deceased is their own subject, according to the Decree of the Holy Ritual Congregation, in Rome, dated December 10, 1703, concerning the twentieth question (as mentioned above). Chaplains, on the other hand, cite the Decree issued in Mexico

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on September 3, 1746, which states that, if a body is brought to a church separate from the parochial church, it is the responsibility of the rector or chaplain of that church, and not of the parish priest, to perform the funeral service over the deceased's body. Question 1. - Which of the two decrees should be followed in this dispute, in order to put an end to the disagreements between the parish priests and the confraternities? - The response is: "Follow the Decree of December 10, 1703." In Isolana, November 20, 1885 (Authentic Decree, no. 3645), paragraph 4: "Can the custom be tolerated that has prevailed in this parish in conducting the funerals of the confreres of the Most Holy Mary of Pity; namely, that after the funeral procession reaches the door of the confraternity's chapel, the parish priest or his vicar, in the presence of the clergy and the people, removes the funeral pall, while the chaplain puts on his own pall, sprinkles the body with blessed water at the threshold of the chapel, and then proceeds with the funeral in his own manner, without regard for parochial rights?" The response is: "No; and the Decree of Rome and the World, dated December 10, 1703, paragraph 20, should be followed." In Chieti, March 24, 1906, the Sacred Congregation of the Council: "Paragraph 2. Does the twentieth response in the Decree of Rome and the World, dated December 10, 1703, apply to all subjects of the parish priest, or only to those who belong to confraternities? " The response is: "Affirmatively to the first part, negatively to the second." The Most Reverend Ojetti, in the Synopsis of Moral and Legal Matters of the Pontiff, published this year, 1911, under the heading "Exequiae" (Funerals), no. 2148, writes: "If the deceased belongs to the parish priest in the place where the confraternity's church is located, then the parish priest not only has the right to take the body from the house, but also to perform the funeral rites in the confraternity's church itself, and to sing the funeral Mass."

[*Latin ed. p. 619*]

Saint Roman Boot. 619 What we have said thus far demonstrates that the entire office of the funeral rites of the parishioners belongs to the parish priest, and therefore, each part of this office belongs to him, as indicated by the doubts presented to us, and as these parts are presented as integral parts of the funeral office in the Roman Ritual. Furthermore, explicit mention is made of these parts of the funeral ceremony being attributed to the parish priest by the Decrees of the Holy See, and by authors who have written on this subject. Thus, regarding the ceremonies to be performed during the removal of the body, the General Decree of the Holy Ritual Congregation (Decree Authentic n. 3854) states: "The Holy Ritual Congregation, adhering to numerous rubrics and other decrees already published, declares: "... It always belongs, even in the presence of a chapter of the Cathedral Church, to the parish priest, outside of this, to put on the stole and to perform all the offices over the body of the deceased who

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belongs to his parish, until the moment that he enters the church for burial." A similar declaration is found in Decree Authentic n. 2685: "Regarding 2... " For it has often been declared by the Holy Ritual Congregation that it belongs to the parish priest to wear the stole at funerals, to sprinkle the body with holy water before it is taken from the house, and to intone the antiphon "Exultabunt." Indeed, the Sacred Congregation of Councils, in Gallien, on December 20, 1828, declared that it pertains to him in the funerals of the canons of the Cathedral Church. However, the precedence of the parish priest over the chapter of the collegiate church was established by the Holy Ritual Congregation in Faventina on September 15, 1669, and elsewhere. The Sacred Congregation of Councils, in Gallien, on December 20, 1828, in response to the question "Does the right to wear the stole, to sprinkle the body with holy water, and to intone the antiphon 'Exultabunt' belong to the parish priest of the deceased, or to the highest dignity of the chapter, in the case of the funerals of the canons of the Cathedral Church?", answered: "Affirmatively, to the parish priest of the deceased." Several other resolutions of the Holy Congregations, which teach the same rule, can be found in Pallottini, verb. Cadavera, art. 1. The same is taught by the authors. Vecchiotti writes: "In the procession of the funeral, the parish priest presides over all, unless the chapter itself is present, in which case, this precedence is due to the chapter, with the other rights of the parish priest remaining intact. However, it belongs only to the parish priest to sprinkle the body with holy water before it is taken from the house, and to intone the antiphon 'Exultabunt'." (lib. 3, cap. 1, n. 60). Cf. also 1, c., sect. 62; Barbosa, De Parocho, lib. 3, cap. 27, n. 80; Bouix, De Parocho, part 4, cap. 10, sect. 2, n. 2, 3, 4; D'Annibale, Summ. Theol. Mor., vol. 3, n. 176, note 80; Berardi, De Paroch., p. 2, c. 6, n. 777; Pignatelli, t. 6, n. 8; cons. 59. It is fitting that he who must lead the funeral and determine the route and time, and therefore, the authors also attribute this right to the parish priest of the deceased. Ferraris,

[*Latin ed. p. 620*]

620 Acta Apostolicae Sedis. - Commentarium Officiale. Bibliotheca verbalis, Parochus, article 3, number 51. "It pertains to the parish priest to declare, "by which way the deceased shall be transported, and to perform all that is necessary "up to the door of the regular church, where he is to be buried. The Most Holy Fathers and Lords "in Castellateli, January 3, 1594, apud Barbosa, book 1, number 9." Vecchiotti, book 2, chapter 5, section 62: "It pertains to the parish priest to declare the way "by which the corpse is to be transported." Barbosa, Summarium Apostolicae Decisorum, column 558. "It pertains to the "parish priest to declare by which way the deceased shall be transported." Pallottini, verb. Cadavera, section 2, number 81: "Furthermore, it pertains to the parish priest "to determine the way, by which the procession of the body shall proceed, "in the Order

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of Preachers' Association concerning Corpses, on January 24, 1846." And in the same place, number 85, is reported the resolution of the Holy Ritual Congregation in Ebredunen, on June 25, 1695: "Does it pertain "to the parish priest to determine the way, to intone the psalms, and to perform the functions "until the body arrives at the regular church?" Answer: "Affirmatively." In Adrien. - Funerum, concerning the doubt "Whether and how provision "should be made regarding the designation of the hour?", answer of the Holy Congregation on March 8, 1884: "Affirmatively, in favor of the parish priests; however, the parish priests should take care to consult "as much as possible, for the convenience of the Chapter." As it is not right that the parish priest, in the exercise of his right, should be burdened by outsiders, so also he must consider the convenience of others, and therefore, when a chapter of a collegiate church is involved in the funeral, he ought to hear it first before designating the hour for the removal of the body. It is equally certain that the celebration of the funeral Mass, in the presence of the body, pertains to the parish priest, because it is also a part of the funeral office prescribed in the Roman Ritual. This office does not cease to be a part of it simply because, once completed, it is not prescribed, but in certain circumstances, "if the hour "is not suitable," as Melata notes (De Iure paroch. p. 28), "or if some "necessity intervenes," it may be omitted. If, for some reason of necessity, it is not celebrated, the omission is for that reason alone, and not for any other reason, since it is a part of the office; if, however, it is celebrated, it must be celebrated by him to whom the completion of the entire office is by right entrusted. Ferraris, in the verb. Parochus, article 2, number 4, says: "The parish priest must perform "the office over the body of the deceased, even if canons of the Cathedral are present "in their parochial church." And Pallottini, verb. Cadavera, article 2, number 320: "Therefore, it pertains to the parish priests, the parochial rights, "absolutiones super cadavere explendi, missam supra corpus defuncti celebrandi." According to the most learned Ojetti, cited above, this right to sing the funeral Mass pertains to the parish priest, not only in the parochial church, but also in the churches of confraternities within the parish, if the deceased belongs to his parish. Vecchiotti writes: ... are added to the parochial office, "rights, whether one is in one's own or in another's church, often to be-

[*Latin ed. p. 621*]

St. Bonaventure, Dist. 621: "When someone is buried in his church, it is the duty and 'right' of the parish priest to remove the body from the house, to lead the funeral procession, to recite the funeral office before the deceased's body, and to celebrate the funeral Mass." And a little later, speaking of funerals to be performed in a church other than the parish church, he says: "If this church does not have its own rector, then what we have said above applies. If it does have its own rector, it can easily be deter-

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mined, according to the general principles of law, that the parish priest is the one who, through the proper channel, namely from the parish church to the church where the burial takes place, should recite the office and the funeral Mass, bypassing the rector, and deliver the body for burial. For the parochial rights are to be exercised by the parish priest in his parish, or with his permission." (See also Nardi, De Parochis, p. 501, note). St. Gregory, in *Nullius Sublacen.*, January 29, 1825, in response to the question "To whom does it pertain (whether to the chapter, or to the vicars, the archpriest, or the primicerius) to sing Mass, to perform the office, and to grant absolution over the body in this case?", replies: "Affirmatively, in all cases, to the archpriest and primicerius." And St. Rit. Cong., in *Nullius Montis Cassini* of September 7, 1861: "Regarding 2. The celebration of Mass in funerals pertains to the parish priest, or another priest to whom this duty has been entrusted by the parish priest." Also, in *Qaltellinoren. Iur. Paroch. S. C. C.* of May 19, 1900: "Regarding 5. Does the same parish priest have the right to celebrate Masses in the presence of the body, and those [Masses] of the dead, etc.?", the reply is: "Affirmatively, in all cases, provided they are celebrated in the sacristy of the Most Holy Sacrament (that is, the parish sacristy in the Cathedral)." Therefore, the rights about which questions are raised pertain to the parish priest by common law, and, as we have seen, also by common law to the perpetual vicar. Indeed, the Chapter generally admits this in the deliberation of January 17, 1907: "The Chapter has decided not to recognize in its Curate the aforementioned rights – all those rights that belong only to the parish priests." The Chapter argues that the Vicar of the Church of the Blessed Virgin in the City of Conspicua, although permanently appointed, cannot claim any of the rights generally granted to perpetual vicars, since, according to the Constitution of Pope Pius IX of October 1, 1850, the execution of which was ordered in 1852, the actual care of souls is assigned to the Chapter, while only the administration of the Sacraments is entrusted to the Vicar, and in the exercise of this care, whatever exercise strictly pertains to it, the favorable rights and privileges of the Chapter are reserved, even over this exercise, which are due to it as to the rector of the church. The words of the Constitution are: "Let the aforementioned Letters of Pope Pius VIII, our predecessor, remain and be confirmed, as far as those things which..."

[*Latin ed. p. 622*]

Acta Apostolicae Sedis. - Official Commentary. "The care habitually pertaining to the Chapter is united with the actual favor granted by the aforementioned Canon, but this care must be exercised according to the following laws. 1.° That the actual care must always be perpetually and unremovably united with the habitual care by the Vicar. 2.° That only the administration of the Sacraments and whatever actual care of souls has been entrusted to the Vicar pertains to the Vicar himself; this strictly respects the

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favor granted by the Chapter, preserving and reserving all other rights and privileges, even with regard to this exercise, which are due to the Chapter as Rector of the Church; and all other rights and privileges are reserved to the Chapter as Rector of the Church and remain in force." It must be borne in mind that the permanent Vicar has a founded intention in law, as does the parish priest to whom he is substituted, to exercise all those things which are proper to parish priests in the care of souls; and therefore the burden of proof lies on the opponent to prove the contrary, and if this is not strictly proven, the powers of the Vicar remain intact, which are due to him by common law. As Wernz states, vol. 2, par. 2, p. 694: "The power and office pertaining to the entire actual care of souls belongs to such permanent or temporary Vicars, unless a special exception can be strictly proven." This rule is not derogated from in this case by the words of the Pontifical Constitution mentioned above, namely, "that whatever actual care of souls is entrusted to the Vicar pertains strictly to the Vicar." For the Vicar has a founded intention in law to exercise all that which pertains to the actual care of souls. And the burden lies on the opponent who claims that certain rights have been taken away from him, which are ordinarily due to permanent Vicars, to prove that such rights do not pertain to the exercise of the care of souls. If a reasonable doubt remains, the rights in question must be awarded to the Vicar. Without a doubt, the actual care of souls belongs to the Chapter, but it is equally certain that it cannot be exercised by the same: "The actual care," says the Apostolic Constitution, "must be perpetually and unremovably united with the habitual care by the Vicar." And by a decree of the Sacred Congregation of December 20, 1902, it was decided that "according to the Apostolic Constitutions, all actual care of souls, as regards its exercise, belongs to the Vicar." The actual care, indeed, without the power of exercise, does not confer a title by which the Chapter can assume certain rights which are due to permanent Vicars by common law. Therefore, the principal rector, who retains the habitual care, cannot, without the consent of the Vicar, interfere in the administration of divine things, because he lacks an immediate title to exercise the care, as Pirhing states above: "Without the consent of the Vicar,..."

[*Latin ed. p. 623*]

Saint Bonaventure writes: "The principal rector in a parish church ought not, nor can he, administer the Sacraments, because no one can take charge of souls unless he has an immediate title to that charge, which the principal rector does not possess." But those who retain actual charge without the power to exercise it, also lack an immediate title to exercise that charge. It is quite rare that actual charge is left to the principal rector to be exercised by a vicarious person, and the authors do not expressly speak of such a case. When they speak of actual charge, as opposed to habitual charge, they assume that it is united with the power to exercise it, as is easily gathered

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from their words; for they speak promiscuously of actual charge of souls and of the exercise of that charge. Therefore, it is futile to cite in favor of the chapter passages that lack the power to exercise the office. Thus, Pignatelli, *Consilia*, 150, n. 5, and 2: "Such a charge (of souls) belongs by right to the chapter, provided that the exercise, or administration, of that charge is demanded of a perpetual vicarious person, or of some other dignitary. For the chapter has not yet received the habit." And in chapter 1, n. 2: "It is not within the power of the chapter to relinquish to itself the charge of souls, and to transfer it to another with regard to the habit, but it can only do so with regard to the exercise, as Gonzales, etc., state." Ibidem, n. 5: "It cannot be demanded of another, unless the exercise belongs to him, as others affirm," Gonzales, cited, *gloss.*, 8, n. 71. In the same way, Bouix speaks, whom the advocate of the chapter cites in his favor: "(De Parocho, p. 1, sect. 4, c. 6, at the end)." From this, it is clear how one can safely distinguish whether he who, as a vicarious person, chaplain, curate, or by another name, exercises the charge of souls somewhere, is a true parish priest or not. It must be seen whether there exists in that parish any principal rector, and whether he retains actual charge. If there is no such principal rector, or if there is one who exists, but only with habitual charge, then the vicarious person, chaplain, or curate, who has been appointed to exercise the charge there, is to be considered the true parish priest. The same is meant by the author when he speaks of "actual charge" and "the exercise of the charge." This can also be seen in the words cited above from Lucius Ferraris, namely: "So that the entire actual charge, or with regard to the exercise, belongs to the vicarious person." Reiffenstuel, book 1, title 28, n. 27, 40: "A perpetual vicarious person established in a parish church has the same power as a true parish priest: so that the entire actual charge, or with regard to the exercise, belongs to the vicarious person. The principal rector, on the other hand, only retains the charge habitually." Pirhing, book 1, title 28, n. 15: "A perpetual vicarious person established in a parish church has the same power as a true parish priest, so that the entire actual charge, or with regard to the exercise, is entrusted to the vicarious person."

[*Latin ed. p. 624*]

Acta Apostolicae Sedis. - Official Commentary. The arrangement of the chapter, as established by the pontifical decree, does not greatly aid the understanding, which states that "the administration of the sacraments pertains only to the Vicar, and whatever is mentioned (namely, in the preceding paragraph) strictly relates to the actual exercise of care entrusted to him." Indeed, since the actual exercise of care is entrusted to the Vicar, and therefore, whatever is ordered in the actual care of souls that pertains properly, or strictly, to that exercise, must entirely belong to the Vicar. Certainly, the offices about which the questions are raised – singing the antiphon, sprinkling the corpse, designating the hour and manner of the funeral,

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celebrating the funeral Mass in the presence of the corpse – all pertain to the proper exercise of care of souls, as is evident from what has already been said, either because they are integral parts of the rite to be performed by the parish priest or his substitute for the restoration of the soul of the deceased parishioner, or, as in the designation of the time and manner, because they are necessarily connected with the fulfillment of the same parochial duties by their very nature. There are, however, rights included in the actual care of souls that are not ordered for the progress or comfort of souls, either by themselves, or as integral parts of a rite or administration, or finally, by a necessary connection arising from the nature of the matter. Such are the revenues of the stall, which, according to the Constitution of Pius IX, yield to the favor of the dignities and canons of the chapter. It must be remembered that one of the reasons why the actual care was separated from the Archpresbyterate by the Constitution of Pius VIII and entrusted to the chapter was to provide a remedy for the lack of chapter endowments through revenues derived from the actual care, and therefore, that same actual care, as a title for an increased endowment, ought to be preserved for the canons in the Constitution of Pius IX. Indeed, that indeterminate formula, "the strict exercise of actual care of souls," must take its meaning from those things that are expressly established either in common law or in particular law. But the following words of the Apostolic Constitution contain no restriction on the parochial office entrusted to the Vicar: "saving and reserving to the chapter its rights and privileges, even concerning such exercises, which are due to the same chapter as the Rector of the Church; but all other rights and privileges remain reserved to and belong to the same chapter as the Rector of the Church." For the perpetual Vicar, by virtue of his office, is never the rector of the church: as Pichler says, in the aforementioned passage: "The perpetual Vicar is better called the rector of souls than the rector of the church"; and therefore, the rights proper to the rector of the church do not pertain to him. Therefore, the Apostolic Constitution, in this case, establishes nothing more than what is already contained in common law.

[*Latin ed. p. 625*]

Saint Romaita Rota. 625 For to the rector of a church pertain the defense of the church's rights, the custody of the keys, of the furnishings, etc., the repair of the building, as well as functions which are not parochial, according to the Decree of Urbis et Orbis of December 10, 1703, in which, besides the strictly parochial rights, certain other rights are assigned to the parish priest which are connected with these; such as, for example, the blessings of women and of the baptismal font, with respect to 2, and the celebration of the solemn Mass on Thursday in the Cenacle, with respect to 8. – Benedict XIV, Instit., 105, n. 109, notes: "It is certain that, besides these parochial rights, there are other functions which are so intimately and closely con-

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nected with these rights, that only the parish priest is permitted to exercise them within his jurisdiction." And in the same place, he cites Saint Rota before Lancetta, Decis. 988, n. 11: "The Lords judged that it should be proceeded with distinction: for insofar as this right pertains to the private exercise of ecclesiastical functions which are of right parochial, it cannot, of course, be judged differently than in favor of the parish priest, to whom, undoubtedly, privately with respect to any other rector of another church, or oratory, existing within the boundaries of his parish, the exercise of these functions pertains. But what are these functions, and how many are there, which should not be called parochial, but sacerdotal? The Lords did not consider it necessary to explain this in detail, since it is sufficiently clear from the aforementioned general Decrees of the Sacred Congregation of Rites, Urbis et Orbis, of the year 1703, approved by the Most Holy." And in I. c. n. 10: "Such Decrees, having been subsequently confirmed by the Most Holy Father, are, as if received in any tribunal, and especially in this one of ours." This distinction between the rights of the chapter, as of the rector of the church, and those of the canon parson, is illustrated in the responses of the Sacred Congregation in Galtellinoren., Iurium Parochialium, of June 27, 1891: To 2: "Does the chapter, besides the chapter functions, have the right to entrust to one or the other of the canons, with the assistance of beneficedaries, commonly called 'domi,' the celebration of other functions, namely, festal Masses, Masses for the dead, novenas or triduums, processions, etc., and to receive the fruits of the vestments in this case?" Response: "Affirmatively, provided that it is not a matter of purely parochial functions and rights." And to 3: "Can the canon parson enjoy a distinct right in the funeral rites, with the chapter assisting, and are the ritual absolutions to be performed by the chapter or by the canon parson in this case?" Response: "If it concerns the funeral rites of parishioners, the precedence pertains to the canon parson with respect to the vestments, and the ritual absolutions pertain to the same with respect to the office: but if it concerns the funeral rites of others, everything pertains to the chapter, namely, the precedence and the ritual absolutions." As far as the present case is concerned, it is sufficient to note this distinction, in order to show...

[*Latin ed. p. 626*]

626 Acta Apostolicae Sedis. - Official Commentary. It must be stated that the words contained in the Apostolic Constitution do not contain a restriction of the rights of the Vicar in the aforementioned case. Since what is at issue here are purely honorific rights, as the esteemed patron of the Chapter desires, and therefore, these rights should be granted to the Chapter as the more distinguished body, this must be entirely denied, as is evident from what has already been said. Rather, the question is about a parochial office or right, which certainly does not lack a certain honorific quality. It is established in law that those of lesser rank should be preferred to those of

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higher rank, by reason of the competent office, and in the exercise thereof – I. 1, chapter on Office; Fehn., in the rubric on "major" and "obedience," no. 2 – a simple, removable chaplain should precede other priests who are older in age and higher in promotion, according to the declaration of the Holy Congregation of Rites in Nucerina, Paganorum, on April 16, 1644. Indeed, the chaplain himself, performing his office with the surplice and stole, precedes even the rector of the church to which he serves; Nucerina Paganorum, July 11, 1637: Macerateli., June 10, 1656. For the same reason, the Bishop himself, present with his cope during solemn Vespers, is incensed with incense after the celebrant, according to the Caeremoniale, book 2, chapter 2 (Cf. Acta S. Sedis, vol. XI, p. 244). Finally, the Chapter argues that it has acquired rights in its property by prescription of forty years. Hardly had the dispute begun before the Holy See Tribunal, when the Chapter requested that a supplementary process be initiated to gather evidence on this matter; and the judges decided that, from the beginning of the action, nothing that could appear to be some form of evidence should be excluded from consideration. Although the testimonies presented do not fully demonstrate the fact of continuous peaceful possession for forty years, as it is very difficult to prove (De Luca, De Iudiciis, discourse 21, no. 32 and following), it is nevertheless admitted by the patron of the Vicar. However, it lacks the force of prescription, because it is based on ignorance of the law and on an assumption of certainty. The Chapter, therefore, considers that these parochial functions, the actual care of souls, are a legitimate title reserved to it, a benefit that was granted to the permanent Vicar by the Apostolic Constitution. Here, however, there is no legitimate title, or a valid cause for transferring the parochial rights, and there is no doubt of law in this matter. The Chapter does not indicate any other title of possession, unless the rights of the Chapter, as Rector of the Church, are relevant to the matter, as confirmed by the Apostolic Constitution. "The species presented in the question (regarding prescription "with error of law")," says Santi, Leitner, title 26, on prescription, no. 15, "is that of "one who held the thing by a title that was not legally valid, but was considered legitimate by error"." Ferraris writes in the Bibliotheca, verb. Usucapio, article 2, no. 17: "Ignorance of the law, given and presumed, prevents good faith and prescription in both forums, even if it is invincible or excusable."

[*Latin ed. p. 627*]

S. Bomana Bota. 627 "The opinion of most Doctors is generally in agreement with the Glossa on c. Apostolicae, at the word 'Prescriptionis,' concerning Donatus. The Abbot in c. De Quarta, n. 12, on Prescription; 'Covarruv.' in Regul. possessor, part. 2, sect. 9, n. 8; Layman, lib. 3, 'Theol. Mor.' sect. 5, vol. 1, cap. 8, n. 11; Lessius, I. 2, Decr. tit. 26, n. 15; 'Pirhing,' ibid. n. 62; 'Reiff,' ibid. n. 68 et seq., and others throughout, against 'those few who assert that acquired ignorance of the law is sufficient for prescription

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in foro conscientiae.'"

"However, it is erroneously believed that the patron of the Chapter can, through forty years of possession, prescribe parochial rights in a case without a title. Concerning this matter, Pignatelli writes, vol. 6, cons. 59, n. 1: 'Those canons who claim this, contrary to the disposition of the law, must either present a clear and unquestionable privilege, or prove an immemorial prescription, or at least a forty-year prescription with a title, as is required to prescribe against the disposition of the law. The Glossa, in cap. pervenit, at the word 'Census' concerning censuses, and there the Abbot, n. 5, states, and the Rota, Decis. 97, n. 3, par. 1, Recen., and ' apud Merlin,' Decis. 8, n. 7, agree.' Ferraris, I. c, art. 3, 9: 'Secondly, a title is required when the common law resists the prescriber, or when, otherwise, a presumption is held against him, as expressly stated in c. 1, de Praescript., in 6, where it says: 'Although he who prescribes an ecclesiastical thing, if there is no common law contrary to him, or if there is no presumption against him, may suffice with good faith, yet when there is a common law contrary to him, or when a presumption is held against him, good faith is not sufficient, but a title is necessary which gives the possessor a reason for prescribing, unless a prescription of such a length of time is alleged, of which no contrary memory exists.' A prescription is called immemorial, of which either the beginning or the contrary does not exist, and against which nothing has ever been done, seen, or heard."

"Since the Apostolic Bull of Pius IX, by which the perpetual exercise of the care was entrusted to the Vicar, was promulgated in the year 1850 and ordered for execution in the year 1852, it is scarcely 50 years. Therefore, before the judgment of the Sacred Congregation of the Council concerning the exercise of the care was pronounced, and the subsequent claim of such rights by the Vicar, the question of an immemorial prescription in this case cannot arise. The common law, moreover, clearly resists the Chapter in this case, as has already been clearly shown."

"Regarding the question posed under the second doubt: - Does a res judicata in favor of the Curate exist concerning the right to celebrate a funeral Mass in the presence of the body? - the following facts should be noted: the judgment of the Episcopal Curia was pronounced on February 3, 1905, but the parties were never officially informed of it until July 13, 1907, as evidenced by the authentic declaration of the same Curia; the appeal by the..."

[*Latin ed. p. 628*]

Acta Apostolicae Sedis. - Official Commentary. On July 17, 1907, a petition against a judgment rendered by the ecclesiastical court was filed. In law, as the common opinion of jurists holds, the term for appeal, or the time allowed for appealing, does not begin to run from the moment the judgment is pronounced, but from the moment knowledge of the judgment

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is obtained (cf. Bouix, De iudiciis, part 2, chapter 9, no. 8). This knowledge is not presumed to be obtained by chance, but, as is customary in other judicial proceedings, it is derived from the official notification by the Tribunal that rendered the judgment. Thus, for example, in the Gregorian Code of November 10, 1834, no. 1178: "In the case of an appeal, the term for filing an 'objection' will run from the day on which the judgment is notified." And in the Regulations of the Sacred Roman Rota, canon 236, no. 1: "The appeal must be filed within ten days from the notification of the judgment or decree." Therefore, since the appeal was filed within the prescribed time, the judgment did not become final. After considering all of the above, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decide, declare, and definitively pronounce that, by law, the Curate has the right to order the funeral rites to be performed by the intonation of the antiphon "Exultabunt Domino," to sprinkle the body with blessed water, and to determine the time and manner of the funeral, having heard the Chapter regarding the time; also, by law, the same Curate has the right to celebrate the funeral Mass in the presence of the body, even though the judgment of the Episcopal court has not become final in this matter: or, to answer the proposed questions: To 1. No, in all respects, but this right belongs to the Curate, after having heard the Chapter regarding the determination of the time. To 2. No. To 3. No, but this right belongs to the Curate in this case. Furthermore, We decree that the judicial expenses of the present instance before the Sacred Rota are to be borne by the parties. Thus We pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains to enforce this Our definitive judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, Session XXV, of the Council of Trent, using the executive and coercive means that are more effective and appropriate for the circumstances. Rome, from the Seat of the Tribunal, on July 22, 1911. L. £B S. Sac. Tancredes Tani, Notary. Ioannes Prior, Auditor. Aloysius Sincero, Auditor. Ioseph Mori, Auditor.

[*Latin ed. p. 629*]

Diary of the Roman Curia. 629

DIARY OF THE ROMAN CURIA

SACRED CONGREGATION OF RITES

ORDINARY AND PARTICULAR MEETING.

On the 21st day of November, 1911, in the Vatican Apostolic Palace, the Ordinary and Particular Meeting of the Sacred Rites was held, in which

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the following causes were presented for the judgment of the Most Eminent and Reverend Lords Cardinals and the Reverend Prelates who comprised the same:

1. Concerning the process instituted with Ordinary and Apostolic authority in the Curia of Turin, regarding a miracle which it is asserted was wrought by God through the intercession of the Venerable Joseph Benedict Cottolengo.

2. Concerning the validity of the Apostolic and Ordinary processes instituted for the cause of beatification and canonization of the Venerable Mary Frances of Sales Chappuis, Superior of the Monastery of the Visitation in Troyes.

3. Concerning the validity and significance of the Apostolic process instituted in the Curia of Paris, regarding the reputation of sanctity of life, of virtues, and of miracles in general, of the Venerable Catherine Labouré, of the Daughters of Charity.

4. And finally, concerning the cult, in accordance with the Decrees of Urban VIII, which has never been paid to the Venerable Pasquale Attardi, a secular priest of Naples.

SECRETARY OF STATE

BY ORDER OF

By notes from the Secretary of State dated November 30, 1911, the Holy Father, Pius X, deigned graciously to assign the following Sacred Congregations to the new Most Eminent and Reverend Cardinals who received the Cardinal's hat in the Consistory of the same day:

To the Most Reverend Cardinal Diomede Falconio, the Sacred Congregations of Religious and of Propaganda Fide.

To the Most Reverend Cardinal Gennaro Granito Pignatelli di Belmonte, the Sacred Congregations of Ceremonies and of Extraordinary Ecclesiastical Affairs.

To the Most Reverend Cardinal Giovanni Maria Farley, Archbishop of New York, the Sacred Congregations of Consistory and of Propaganda Fide.

To the Most Reverend Cardinal Francesco Bourne, Archbishop of Westminster, the Sacred Congregations of the Council and of Ceremonies.

To the Most Reverend Cardinal Leon Adolphe Amette, Archbishop of Paris, the Sacred Congregations of the Sacraments and of Rites.

[*Latin ed. p. 630*]

630 Acta Apostolicae Sedis. - Official Commentary. To the Most

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Reverend Cardinal Guglielmo O'Connell, Archbishop of Boston, the Sacred Congregations of the Council and of Studies; To the Most Reverend Cardinal Francesco Virgilio Dubillard, Archbishop of Chambéry, the Sacred Congregations of Rites and of Studies; To the Most Reverend Cardinal Francesco Maria Anatolio de Rovérié de Cabrières, Bishop of Montpellier, the Sacred Congregations of Religious Orders and of Ceremonial. To the Most Reverend Cardinal Gaetano Bisleti, the Sacred Congregations of Religious Orders and of the Reverend Fabric of Saint Peter's; To the Most Reverend Cardinal Giovanni Battista Lugari, the Sacred Congregations of the Council and of the Index; To the Most Reverend Cardinal Basilio Pompili, the Sacred Congregations of the Council and of Extraordinary Ecclesiastical Affairs; To the Most Reverend Cardinal Ludovico Billot, the Sacred Congregations of the Sacraments and of Studies; To the Most Reverend Cardinal Guglielmo Van Rossutn, the Sacred Congregations of Religious Orders and of the Index. With notes from the Secretariat of State, the Holy Father, Pius X, deigned to appoint: November 30, 1911. — Monsignor Vittorio Amedeo Ranuzzi De Bianchi, titular Archbishop of Tyre, His Chamberlain; — Monsignor Domenico Serafini, Archbishop of Spoleto, Assessor of the Sacred Congregation of the Holy Office. With notes from the Secretariat of State dated November 7, 1911, the Holy Father deigned to assign the following Illustrious and Reverend Monsignors to carry, as Apostolic Legates, the Cardinal's biretta to the following Prelates residing abroad, who will be invested with the Sacred Purple in the Secret Consistory on the 27th of this month, and the following of His Noble Guards as Cabinet Messengers to deliver to the same Prelates, together with the Cardinal's zucchetto, the announcement of their elevation to the Sacred Purple: Monsignor Lorenzo Lauri and the Honorable Marquis Luigi Barbi to the Most Reverend Monsignor Giuseppe Maria Cos y Machio, Archbishop of Valladolid. Monsignor Alessandro Solari and the Honorable Marquis Luigi Lepri to the Most Reverend Monsignor Antonio Vico, titular Archbishop of Philippi and Apostolic Nuncio to Spain. Monsignor Giuseppe Pescini and the Honorable Marquis Alfonso Serlupi to the Most Reverend Monsignor Francesco Bauer, Archbishop of Olmütz. Monsignor Vincenzo Bianchi Cagliesi and the Honorable Marquis Giuseppe Nannerini to the Most Reverend Monsignor Enrico Almaráz y Santos, Archbishop of Seville. Monsignor Francesco Rossi Stockalper and the Honorable Count Paolo Datti to the Most Reverend Monsignor Francesco Nagl, Archbishop of Vienna.

[*Latin ed. p. 631*]

From the Diary of the Roman Curia. 631. By means of a note from the Secretariat of State, the Holy Father deigned to appoint: November 11, 1911. — Monsignor Angelo Rotta, Assistant in the Sacred Congregation of the In-

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dex. November 13. — Monsignor Algernon Charles Stanley, titular Bishop of Nicopolis, Consultor of the Sacred Congregation Consistorial. His Holiness, by means of a note and a Brief from the Secretariat of State, deigned to appoint: Bishop Assistant to the Holy See: November 8, 1911. — Monsignor Francesco Maturino Guichard, titular Bishop of Torone and Apostolic Vicar of Kui-tcheou. Domestic Prelates of His Holiness: November 4, 1911. — The Reverend Raffaele Calabrese, Canon of the collegiate church of Campo Salentino, in the diocese of Lech. November 9. — The Reverend Bernard Mac Loughlin, General Vicar of the diocese of Derry. November 13. — Monsignor Pietro Zundl, Canon of the metropolitan church of Kollotschau. November 15. — The Reverend Leone Croutelle, Canon of the cathedral of Plymouth. — The Reverend Arturo de Stoop, Professor of Theology and Sacred Scripture in the Seminary of Leeds. HONORS. The Holy Father, by means of a note and a Brief from the Secretariat of State, deigned to bestow the following honors: The Order of Saint Gregory the Great, with Plaque: November 9, 1911. — To Mr. Vittore de Stuers, a member of the Second Chamber of the States General at The Hague. The Order of Saint Gregory the Great, civil class: October 30, 1911. — To Mr. Ernesto Gerlach, Royal representative in the district of Kattowitz. The Order of Saint Gregory the Great, military class: November 16, 1911. — To Colonel Hugo Huiler, Commander of the 2nd Bavarian Infantry Regiment. The Order of Saint Gregory the Great, civil class, Knight: November 10, 1911. — To Mr. Carlo Edmondo Fox, Chief Justice of the High Court of Burma. November 15. — To Mr. Baron Francesco Ernesto Alessandro van Hövell tot Westenflier, of Utrecht.

[*Latin ed. p. 632*]

632 Acta Apostolicae Sedis. - Official Commentary. The Knighthood of the Order of St. Gregory the Great, military class: • November 16, 1911. — To Mr. Massimiliano Pflaumer, Lieutenant of the 21st Bavarian Infantry Regiment. The Knighthood of the Order of St. Sylvester the Pope: November 10, 1911. — To Mr. Carlo Edoardo Brown, residing in Rangoon (Southern Burma). — To Mr. Giovanni Guglielmo Darwood, of Southern Burma. November 11. — To Mr. Vittorio Giuseppe Mariano, of Rangoon (Southern Burma). — To Mr. Dr. Emanuele Maciel de Souza, residing in Rangoon (Southern Burma).

BY THE ORDER OF HIS HOLINESS. The Holiness of Our Lord, through a letter from His Excellency, the Reverend Monsignor, the Chamberlain, has deigned to appoint:

Extraordinary Secretaries: November 6, 1911. — Monsignor Vincenzo Caperna, of the diocese of Veroli. — Monsignor Vincenzo Jaco vacci, of the same diocese. — Monsignor Raimondo Hourcastagné, of the diocese of Bayonne. — Monsignor Giuseppe Panzavolta, of the diocese of Forlì. November 8. — Monsignor Antonio Melomo, of the diocese of Cassano

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all'Ionio. November 10. — Monsignor Vincenzo Bianchi Cagliesi. — Giovanni Früngel, of the diocese of Vacz.

Honorary Secretaries in purple robes: November 8, 1911. — Monsignor Rosario Lapaglia, of the diocese of Caltanisetta.

NECROLOGY

November 18, 1911. — Monsignor Francesco Maria Traina, Bishop of Patti.

November 22. — Monsignor Pietro Maria Stefano Ardin, Archbishop of Sens. — Monsignor Giovanni Valyi, Bishop of Esperies (Hungary), of the Greek-Ruthenian rite.

November 23. — Monsignor Gaetano Caporali, Archbishop of Otranto.

November 25. — Monsignor Michele Lucibello, Bishop of Terme, Auxiliary of Amalfi.

[*Latin ed. p. 633*]

Year III. - Volume III. December 20, 1911. No. 17. ACTA POSTOOCMM OFFICIAL COMMENTARY ACTA OF POPE PIUS X. APOSTOLIC CONSTITUTION CONCERNING THE NEW ARRANGEMENT OF THE PSALTER IN THE ROMAN BREVIARY. PIUS, SERVANT OF THE SERVANTS OF GOD, TO THE EVERLASTING MEMORY. It is well known that the Psalms, composed by divine inspiration, which are collected in the sacred Scriptures, from the very beginnings of the Church have wonderfully served to foster the piety of the faithful, who offer the sacrifice of praise to God always, that is, the fruit of their lips confessing His name; and that, according to the custom already established in the Old Law, they have held a prominent place in the sacred Liturgy and in the divine Office. Hence that voice, as Basil says, born of the Church, and the psalms, its hymnody, as Our predecessor Urban VIII calls it, which are sung constantly before the seat of God and the altar, and which, according to the opinion of Athanasius, teach those devoted to divine worship how they ought to praise God and with what words they ought to confess Him reverently.

1 Heb. 13, 15.

2 Homil. in Ps. 1 n. 2.

Bulla « Divinam psalmodiam ». Epist. ad Marcellinum in interpret. Psalmor. n. 10.

3 4 ACTA, vol. I I I , n. 17. - 20-12-011.

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[*Latin ed. p. 634*]

634 Acta Apostolicae Sedis. - Official Commentary. Augustine: That God may be rightly praised by men, God Himself praised Himself; and because He deigned to praise Himself, He found a man, so that he might know how

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to praise Him. Furthermore, there is a marvelous power in the Psalms to stir up in all hearts the desire for virtue. For, as it is written, all our Scripture, both the Old and the New Testaments, is divinely inspired and useful for instruction; but the Book of Psalms, as if a paradise containing the fruit of all the other books, offers hymns, and moreover, presents proper responses to be recited along with the singing. This, again, Athanasius rightly adds: "To me, it seems that to the one who sings the Psalms, it is like a mirror, so that he may contemplate both himself and the movements of his own soul within them, and thus recite them with feeling." Therefore, Augustine in the Confessions: "How much, he says, did I weep when moved by the sweet sounds of the hymns and canticles of your Church! Those voices flowed into my ears, and the truth was poured into my heart, and from it there arose a fervor of piety, and tears flowed, and it was good to me with them." For, who would not be moved by those frequent passages in the Psalms, in which the immense majesty of God, His omnipotence, His ineffable justice, or goodness, or clemency, and other praises are so highly extolled? To whom would they not inspire similar feelings of thanksgiving for the benefits received from God, or of humble and confident prayers, or of the lamentations of a contrite soul for its sins? Who would not be filled with admiration when the divine benefits extended to the people of Israel and to all mankind are recounted, and when the dogmas of heavenly wisdom are imparted? And finally, who would not be inflamed with love by the carefully depicted image of Christ the Redeemer, whose voice, as Augustine says, is heard in all places?

[*Latin ed. p. 635*]

The Acts of Pope Pius X, 635: Did He listen to the Psalms, whether sung, or chanted, or uttered with joy, or sighed in sorrow? Therefore, it was rightly provided from ancient times, and by the decrees of the Roman Pontiffs, and by the canons of the Councils, and by monastic laws, that men of both the clergy should recite or chant the entire Psalter throughout each week. And this law, handed down by the fathers, was faithfully observed by Our predecessors, St. Pius V, Clement VIII, and Urban VIII, in revising the Roman Breviary. And even now, the entire Psalter would be recited within the space of one week, were it not that the changing circumstances frequently hindered such recitation. Indeed, with the passage of time, the number of those faithful people continually increased, whom the Church is accustomed to present to the Christian people as patrons and guides in life, having departed this mortal life and ascended to heaven. And in honor of these, the Offices of the Saints gradually began to spread, so that almost it became the case that the Offices were omitted on Sundays and feast days, and therefore many neglected the Psalms, which are, as Ambrose says, the blessing of the people, the praise of God, the commendation of the people, the applause of all, the word of all, the voice of the Church, a singing confes-

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sion, full of authority and devotion, the joy of liberty, the cry of delight, the result of joy. But concerning such omissions, there have been complaints not a few times by prudent and pious men, that not only is a great deal of that protection taken away from men of the sacred order, which is most suitable for praising the Lord and for expressing the deepest feelings of the soul to Him; but also that that desirable variety in prayer is lacking, which is most fitting for our weakness, so that we may pray worthily, attentively, and devoutly. For, as Basil says, the mind often becomes dull in equality, I know not how; but when the psalms and chants are changed and varied throughout the hours, its desire is renewed and its attention restored.

[*Latin ed. p. 636*]

636 Acta Apostolicae Sedis. - Official Commentary. Therefore, it is not surprising that many sacred pastors from various parts of the world have presented their views on this matter to the Apostolic See, especially during the Vatican Council, where, among other things, they requested that, insofar as possible, the ancient custom of reciting the entire Psalter during the week be restored, so that no greater burden would be imposed on the clergy, who are already working hard in the vineyard of the sacred ministry due to the reduced number of workers. In response to these requests and desires, which We also held before assuming the pontificate, and to the prayers that have subsequently been offered by other venerable brothers and pious men, We have indeed decided to grant this, but with caution, so that the recitation of the entire Psalter within the space of a week would not detract from the worship of the Saints, nor would it impose a more burdensome duty on the clergy in the Divine Office, but rather a more moderate one. Therefore, having earnestly implored the Father of lights, and with the support of the holy prayers, following in the footsteps of Our predecessors, We have delegated several learned and diligent men, to whom We entrusted the task of finding a certain method for achieving this goal, which would correspond to Our desires, after deliberation and study. These men, diligently carrying out the task entrusted to them, have prepared a new arrangement of the Psalter; which, after being carefully considered by the Most Eminent Cardinals presiding over the sacred rites, We, finding it to be very much in accordance with Our intentions, have approved in all respects, that is, with regard to the order and division of the Psalms, the Antiphons, the Versicles, the Hymns, along with their rubrics and rules, and We have ordered that its authentic edition be adorned and published in Our Vatican printing house. Since the arrangement of the Psalter has a certain connection with the entire Divine Office and Liturgy, it is clear that, through what We have decreed here, We have first taken a step towards the amendment of the Roman Breviary and the Missal. But soon, for this very purpose, We will establish a proper Council or Commission, as they say, of learned men. In the meantime, having seized this opportunity,

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We are already initiating some things in the present.

[*Latin ed. p. 637*]

From the Acts of Pope Pius X, 637, as prescribed in the aforementioned rubrics: and, above all, so that due honor might be restored to the frequent use of the sacred Scriptures with the appointed readings and responses of the proper time in the recitation of the Divine Office; and then, so that the most ancient form of the sacred Liturgy of the Mass, concerning Sundays throughout the year and the feasts, especially those of Lent, might regain its rightful place! Therefore, by the authority of these letters, we abolish, above all, the order of the Psalms as it is found in the Roman Breviary currently in use, and we forbid its use entirely from the first of January of the year nineteen hundred and thirty-three. From that day forward, in all churches, by the secular and regular clergy, in monasteries, orders, congregations, and religious institutes, from all and each who, by duty or custom, recite the canonical hours according to the Roman Breviary, published by St. Pius V and revised by Clement VIII, Urban VIII, and Leo XIII, we command that the new order of the Psalms, which We have approved with its rules and rubrics, and which We have decreed to be published by the Vatican Press, be religiously observed. At the same time, We announce the penalties prescribed by law to those who, having failed to recite the canonical hours daily according to their office, should know that they will not adequately fulfill their duty unless they use this new order of the Psalms. Therefore, We command to all Patriarchs, Archbishops, Bishops, Abbots, and other prelates of churches, except for the Archpriests of the patriarchal basilicas of the City, that in their respective dioceses, churches, or monasteries, they take care to introduce the Psalter with the rules and rubrics, as We have arranged; and We command that this Psalter, along with all its rules and rubrics, be inviolably observed and followed by all others who are bound by obligation to recite or chant the canonical hours. Meanwhile, however, it will be permitted to each and to the chapters themselves, if the majority of the chapter deems it desirable, to adopt the new order of the Psalms immediately after its publication.

[*Latin ed. p. 638*]

638 Acts of the Apostolic See. - Official Commentary. We decree, declare, and establish that these Our letters shall always be valid and efficacious, notwithstanding any apostolic constitutions and ordinances, general or special, or any other enactments whatsoever to the contrary. Therefore, no human being shall be permitted to infringe this page of Our abolition, revocation, permission, command, precept, statute, indulgence, mandate, and will, or to dare to contradict it with audacious temerity. If anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God, and of the blessed Peter and Paul, His Apostles. Given in

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Rome, at St. Peter's, in the year of the Incarnation of Our Lord one thousand nine hundred and eleven, on the Kalends of November, in the feast of All Saints, in the ninth year of Our Pontificate.

A. CARDINALIS AGLIARDI S. B. E. Chancellor.

FR. SEB. CARDINALIS MARTINELLI S. B. C. Prefect.

In lieu of the seal of lead.

M. RIGGI C. A., Notary, Registered in the Apostolic Chamber, No. 571.

[*Latin ed. p. 639*]

From the Acts of Pope Pius X, 639: CONCERNING THE RECITATION AND CELEBRATION OF THE DIVINE OFFICE, ACCORDING TO THE NORMS OF THE APOSTOLIC CONSTITUTION "DIVINO AFFLATU," TITLE I. Concerning the manner of reciting the Divine Office according to the new order of the Psalter.

1. In the recitation of the Divine Office, according to the Roman Rite, the Psalms are to be recited daily, for each canonical hour, according to the day of the week that occurs, as they are distributed in the newly arranged Psalter; which, henceforth, in place of the old arrangement, shall be used in the new editions of the Roman Breviary.

2. However, all feasts of the Lord and their entire Octaves, the Sundays within the Octaves of the Nativity, Epiphany, Ascension, and Corpus Christi, the Vigil of Epiphany and the sixth feria after the Octave of Ascension, when the Office is to be observed for them; also, the Vigil of the Nativity for Matins and for the other lesser hours up to None, and the Vigil of Pentecost; and also all the feasts of the Blessed Virgin Mary, of the Angels, of St. John the Baptist, of St. Joseph, and of the Apostles, and the First and Second Class Duplices, and their entire Octaves, if the Office is to be observed for them, shall be recited as assigned, either in the Breviary, or in the Proper of the Diocese or Institute, with this rule, however, that the Psalms for Matins and for Vespers shall always be taken from the Sunday, as in the new Psalter; and for the Hours and Compline, they shall be recited as assigned in the Breviary, or in the Proper, unless special Psalms are assigned.

3. But during the last three days of the greater week, nothing shall be changed.

[*Latin ed. p. 640*]

640 Acta Apostolicae Sedis. - Official Commentary. The Office shall be completely fulfilled as it is now found in the Breviary, but with the Psalms for Lauds taken from the feria of the current day, as in the new Psalter, except for the Canticle of Holy Saturday, which remains "I said,". For the Completion, the Psalms of Sunday shall be recited, as also in the new Psalter. 3. On every other Double Feast, even a greater one, or a

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Semi-Double, or a Simple Feast, and during the days of the Easter season, the Psalms shall always be recited, with Antiphons in all Hours, and with Verses for Matins, as in the Psalter for the day of the week in question; the rest, and the Antiphons for the Magnificat and Benedictus, shall be as in the Proper or Common. If any of these feasts have special or particular Antiphons assigned for a particular Hour, those same Antiphons shall be retained in that Hour with their Psalms, as found in the Breviary; in the other Hours, the Psalms and Antiphons shall be recited for the feria of the day. 4. The Readings for Matins in the First Nocturn shall always be taken from Scripture for the day, even if sometimes in the Breviary Readings from the Common are assigned, unless it is the Feast of the Lord, or the Feast of any of the rites of the Blessed Virgin Mary, or of the Angels, or of St. John the Baptist, or of St. Joseph, or of the Apostles, or a Double of the First or Second class, or if a feast is being celebrated which has its own proper Readings, and not from the Common, or if it occurs on days when the Readings from Scripture are not used, and therefore the Readings from the Common must necessarily be received. In feasts, however, in which hitherto there were Readings from the Common, and proper Responsories, the same Readings shall be retained with their proper Responsories. 5. Thus the Office shall be fulfilled on Double and Semi-Double feasts, except as stated above: For Matins, the Invitatory, Hymn, Readings of the Second and Third Nocturns, and the proper Responsories of the three Nocturns, or from the Common; the Antiphons, Psalms, and Verses of the three Nocturns, and also the Reading of the First Nocturn for the feria of the day. For Lauds and for Vespers, the Antiphons with the Psalms for the feria; the Chapter, Hymn, Verses, and Antiphon for the Benedictus or Magnificat with the Prayer, either from the Proper or from the Common.

[*Latin ed. p. 641*]

Acts of Pope Pius X, 641. The Little Hours and the Compline are always recited with the Antiphon and Psalms appropriate to the day. For Prime, a brief chapter is read from the Proper, or from the Common. For the Third, Sixth, and Ninth Hours, a chapter, a brief Responsorial Psalm, and a prayer are taken either from the Proper or from the Common.

6. In the Office of St. Mary, on Saturdays and on Simple Feasts, the Office is to be performed as follows: The Invitatory and Hymn are said from the same Office or from the same Feast; the Psalms with their Antiphons and Verses are from the day; the First and Second Readings are from the day, with their proper Responsorials, or from the Common; the Third Reading is from the Office or Feast, with two Readings joined into one, if there are two Readings for the Feast; for the remaining Hours, everything is said as described above, number 5, concerning Double Feasts.

7. On weekdays and on Simple Feasts, the Psalms for Matins, which are

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found in the new Psalter divided into three Nocturns, are to be said without interruption with their nine Antiphons, up to and including the third Verse, omitting the first and second Verses.

TITLE II. Concerning the Preeminence of Feasts.

1. In order to correctly determine which of several Offices is of greater importance, and therefore, whether in occurrence, or in order of precedence or translation, it should be preferred, the following characteristics of preeminence are to be considered:

a) A higher Rite, unless a Sunday, or a weekday, or a privileged Octave, or even any day of the Octave occurs, according to the rubrics.

b) The distinction of Primary or Secondary.

c) Personal Dignity, in this order: Feasts of the Lord, of the Blessed Virgin Mary, of the Angels, of St. John the Baptist, of St. Joseph, of the Saints Apostles and Evangelists.

d) External Solemnity, that is, if the Feast is a Feria, or is celebrated with an Octave.

2. In occurrence, and in order of precedence or translation, another characteristic must also be considered, namely:

[*Latin ed. p. 642*]

642 Acta Apostolicae Sedis. - Official Commentary. e) Propriety of Feasts. A feast is said to be proper to a certain place if it pertains to the title of the church, to the patron of the place, even secondarily, to a Saint (described in the Martyrology or in its approved appendix), whose body or some notable and authentic relic is kept there, or to a Saint who has a special connection with the church, the place, or a group of people. Therefore, any such feast, all other things being equal, is preferred to a feast of the Universal Church. However, privileged Sundays, weekdays, Octaves, and Vigils are excepted, as are primary Double feasts of the first class of the Universal Church, which are considered proper to each place. A feast of the Universal Church, of any rite, because it is obligatory, all other things being equal, should be preferred to certain feasts granted to particular places solely by Indult of the Holy See, which, however, cannot be called proper in the sense mentioned above.

TITLE III. Concerning the accidental occurrence of feasts and their translation.

1. Regarding major Sundays of the first class, whatever feast may occur on them, the Office must always be performed. However, Sundays of the second class yield only to Double feasts of the first class, in which case, a commemoration of the Sunday is made in both Vespers and Lauds, and at Mass with the IX reading at Matins.

2. Regarding minor Sundays, or those throughout the year, the Office must always be performed, unless the feast of the Lord occurs, or any Dou-

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ble of the first or second class, or the day of the Octave of a feast of the Lord. In this case, a commemoration of the Sunday is made in the Office of the feast or the day of the Octave, in both Vespers and Lauds, and at Mass with the IX reading at Matins. If a Sunday occurs within the Octave of the Nativity, on the feast of Saint Thomas the Apostle, or on the feast of Saint Sylvester the Pope, the Office of the Sunday is performed with a commemoration of the feast that occurs; in this case, on December 30th, in the Office of the day within the Octave, the first and second readings of the Nocturn are taken from the feast of the Nativity, with the responses of the Sunday. As for the Sunday that...

[*Latin ed. p. 643*]

From the Acts of Pope Pius X, 643, from the Feast of the Circumcision until the Epiphany, nothing shall be changed.

3. Double feasts of the first and second classes, which, either by a greater Sunday or by a more solemn Office, are hindered, shall be transferred to the nearest following day, which is free from another Double feast of the first or second class, or from Offices of such feasts; saving, however, the privilege granted by the rubrics to the feasts of the Purification and Annunciation of the Blessed Virgin Mary, as well as to the solemn commemoration of Saint Joseph.

4. Greater Double feasts of any rank, and lesser Double feasts of the Doctors of the Church, can no longer be transferred, but when hindered, a commemoration shall be made of them, as the rubrics prescribe for other lesser Double feasts that are hindered (saving that the following rule is established concerning the omission of the ninth historical reading on Sundays), unless they occur in Double feasts of the first class, in which no Office is to be celebrated, except for the Sunday that occurs, or for the feria, or for a privileged Octave.

5. Furthermore, if a greater or lesser Double feast, or a Semi-Double feast, or a Simple feast, occurs on a greater Sunday, an Office shall be celebrated of the Sunday with a commemoration of the Office that occurs in both Vespers (of the Simple feast, however, only in the first Vespers), Lauds, and Mass, without the ninth historical reading. The same shall be done on lesser Sundays, unless a feast of the Lord, or any Double feast of the first or second class, or the Octave of a feast of the Lord occurs, in which case, as stated above in paragraph 2, the feast, or the Octave, shall be celebrated with a commemoration and the Sunday reading.

6. The day on which the Commemoration of All Faithful Departed is celebrated excludes the transfer of any feast.

TITLE IV. Concerning the perpetual occurrence of feasts and their reposition.

1. All feasts of the Double rite, whether greater or lesser, or Semi-Double,

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if they are perpetually hindered, are transferred to the first free day, according to the rubrics.

[*Latin ed. p. 644*]

644 *Acta Apostolicae Sedis.* - Official Commentary. 2. Double feasts of the first and second class, which are perpetually transferred, are assigned, as if to their proper day, to the first day free from another double feast of the first or second class, or from any day of the Octave, or from the Offices of such feasts, with the exception of the privilege granted to the Feast of the Purification of the Blessed Virgin Mary. 3. Major Sundays exclude the perpetual assignment of any double feast, even of the first class; minor Sundays, however, exclude the assignment of any double feast, whether major or minor, unless it is the Feast of the Lord. The Feast of the Most Holy Name of Mary is perpetually assigned to the twelfth day of the month of September. 4. The feast of November 2nd excludes both feasts that occur which are not double feasts of the first class, and also feasts perpetually to be observed of any rite.

TITLE V. Concerning the concurrence of feasts.

1. Major Sundays have complete Vespers in concurrence with any feast, unless it is a double feast of the first or second class; therefore, in the first Vespers, the antiphons and Psalms of the Sabbath are recited; however, during Advent, the antiphons of the praises of the Lord are said with the same Psalms of the Sabbath.

2. Minor Sundays yield the Vespers to double feasts of the first or second class, to all feasts of the Lord, and to the days of the Octave of feasts of the Lord; however, they have complete Vespers in concurrence with other feasts, reciting the antiphons and Psalms of the Sabbath in the first Vespers.

3. The laws by which the Vespers within the Octave of the Nativity of the Lord are regulated remain unchanged.

TITLE VI. Concerning Commemorations.

1. In double feasts of the first class, no commemoration of the preceding feast is made, unless it is any Sunday, even during the year, or a double feast of the first or second class, or a day of the Octave of any primary feast of the Lord, or a day within a privileged Octave, or a Feria major.

[*Latin ed. p. 645*]

Acta Pii PP. X. 645: When several Offices occur on the same day, mention should be made only of any Sunday, of a privileged Octave, and of a major Feria. However, in the following Office (even if reduced to the Simple form), mention should always be made, but never of a day within an Octave that is not privileged, nor of a Simple day.

2. In the Second Class Duplexes, mention must always be made of the preceding Office, unless it is of a Semi-Duplex Feast, or of a day within

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an Octave that is not privileged. When several Offices occur, mention is made of any Sunday, of any Duplex or Semi-Duplex reduced to the Simple form, of a privileged Octave, of a major Feria, and of the Vigil. However, mention of a Simple day is made only in the Lauds and in private Masses. In the following Office, mention is always made, even if it is a Simple Office or reduced to the Simple form, and also of a day within an Octave, if the Office concerning that day is to be celebrated the following day; and then with the Antiphon and Verse from the First Vespers of the Feast.

3. Although the Feasts of the Lord and their Octaves enjoy the privilege of precedence over lesser Sundays, nevertheless, when several commemorations must be made (taking care that in the Vespers, the first commemoration is always of the Office that occurs on that day, of whatever rite and dignity), the following order must be observed, both in the Vespers, and in the Lauds and Mass: 1st, of any Sunday; 2nd, of the day within the Octave of Epiphany or Corpus Christi; 3rd, of the day of the Octave; 4th, of a major Duplex; 5th, of a minor Duplex; 6th, of a Semi-Duplex; 7th, of a common day within an Octave; 8th, of the sixth Feria after the Octave of Ascension; 9th, of a major Feria; 10th, of the Vigil; 11th, of a Simple day.

CHAPTER VII. Concerning the proper conclusion of the Hymns and the proper Verse for the First Hour, of the Suffrages of the Saints, of the Prayers, of the Athanasian Creed, and of the third Collect in the Mass.

1. When several Offices occur on the same day, which have a proper conclusion of Hymns or a proper Verse for the First Hour,

[*Latin ed. p. 646*]

646 Acts of the Apostolic See. - Official Commentary. 1. The Prime, the conclusion, and the Versicles proper to the Office which is recited on that day, shall be said. 2. Afterwards, when the Suffrages of the Saints are to be recited, only one Suffrage shall be recited, according to the formula proposed in the Ordinary of the new Psalter. 3. The Athanasian Creed is added to the Prime on the Feast of the Most Holy Trinity, and on Sundays only after Epiphany and after Pentecost, when the Office concerning them is to be recited, with the exception mentioned in the following paragraph. 4. When on a Sunday there is a commemoration of a Double Office, or of the Octave, or of a day within the Octave, the Suffrage, the Prayers, the Creed, and the third Collect in the Mass are omitted.

TITLE VIII. Concerning Votive Offices and other added Offices. 1. Since, with this new arrangement of the Psalter, the causes for the General Indult of July 5, 1883, for Votive Offices have ceased, these very Offices, and others similar to them granted by particular indults, are entirely abolished and declared removed. 2. Likewise, the obligation of reciting in the choir, on the days previously prescribed by the rubrics, the Little Office of the Blessed Virgin Mary, the Office of the Dead, and also the Gradual and Penitential Psalms, ceases. However, the chapters which are added to these additional

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Offices by a special constitution or bequest, will have their alteration obtained from the Holy See. 3. On the Feast of Saint Mark, and during the Rogation Days, the full obligation of reciting the Litany of the Saints remains, even outside of the choir.

TITLE IX. Concerning the Feasts of Dedication and the Title of the Church, and the Patrons. 1. The Feast of Dedication of any Church is always a primary feast, and the Feast of the Lord. 2. The Anniversary of the Dedication of a Cathedral Church and of...

[*Latin ed. p. 647*]

The Acts of Pope Pius X, 647, state that the titular feast of the same [Pope Pius X] shall be celebrated with a double rite of the first class, with the octave throughout the entire diocese, by the entire secular and regular clergy, using the diocesan calendar. The regular clergy, both of each sex, residing in the same diocese, who have their own calendar, shall also celebrate the same feast, with a double rite of the first class, but without the octave.

3. Since the Most Holy Lateran Basilica is the mother and head of all churches in the city and the world, both the anniversary of its dedication and the Feast of the Transfiguration of the Lord, which, besides the great solemnity of the Lord's Resurrection, is usually celebrated as a titular feast by the same, shall henceforth be celebrated by the entire secular and regular clergy, even those who follow a particular rite, with a double rite of the second class.

4. The feast of the principal patron of a town, city, diocese, province, or nation, shall be celebrated by the secular and regular clergy residing there and following the diocesan calendar, with a double rite of the first class, with the octave. The regular clergy residing there and having their own calendar shall celebrate the same feast, even if it has never been a feast day, with the same rite, but without the octave.

TITLE X. Concerning Masses on Sundays and Feast Days, and Concerning Masses for the Dead.

1. On Sundays, even the lesser ones, whatever feast may occur, provided it is not the feast of the Lord, or its octave, or a double rite of the first or second class, Mass shall always be said of the Sunday, with the commemoration of the feast. If the feast to be commemorated is a double feast, then the I, II, and III Orations are to be omitted.

2. On the weekdays of Lent, the Four Seasons, the two Rogation days, and on the vigils, if it should happen that the Office of a feast of the double (but not of the first or second class) or semi-double class is to be celebrated, private Masses may be said at will, either of the feast with the commemoration and the last Gospel of the weekday or vigil, or of the weekday or vigil

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with the commemoration of the feast; however, they are forbidden to...

[*Latin ed. p. 648*]

648 Acta Apostolicae Sedis. - Official Commentary. Private votive Masses, or those offered for the Dead: which are also prohibited on weekdays, on which the Mass of Sunday is anticipated or repeated. However, during Lent, private Masses for the Dead may only be celebrated on the first day of any week that is free in the Church Calendar, on which a Mass is celebrated. 3. If, somewhere, a feast that is impeded by Sunday is celebrated by vow, or with the attendance of the people (of which the Ordinary will be the judge), Masses pertaining to that impeded feast may be celebrated, provided that one Mass of Sunday is not omitted. Whenever any Mass is sung or read outside of the order of the Office, whether it be for the commemoration of Sunday, or of a weekday, or of Vigiliae, the Gospel at the *end* must always be read from these. 4. For the Mass of Sunday, even a lesser one, with the commemoration of a Double, whether Major or Minor, and on any day within the Octave, the proper color of Sunday is retained, along with the Preface of the Most Holy Trinity, unless the proper color of the Time, or of the Octave of some feast of the Lord, is present. 5. The laws concerning Masses for the Dead in song remain unchanged. However, read Masses are permitted only on Doubles, on the day of the death, or for the day of the death, provided that it is not a feast of precept, or a Double of the first or second class, or a weekday excluding Doubles of the first class. As for read Masses for the Dead to be said on days of the Semi-Double or Simple rank, they will never be able to be celebrated in the weekdays numbered 2, except for the exception admitted there. However, in such Masses on weekdays, a prayer may be added for the Dead, for whom the Sacrifice is offered, in the penultimate place, as permitted by the Rubric of the Missal. Furthermore, since Indulgences of the altar of privileged places have hitherto required Masses for the Dead to be celebrated in black vestments, the Supreme Pontiff benignly grants these same indulgences in the future, even if the Mass is said on a weekday, with a prayer for the Dead. In all other weekdays of the year, numbered 2, not excepted, nor in Semi-Doubles, within Octaves, not privileged...

[*Latin ed. p. 649*]

Acta Pii PP. X., 649, et in Simplicibus: Missae pro defunctis, sicut et aliae Missae votivae, poterunt dici juxta Rubricas.

TITULUS XI. De Collectis in Missis. Quod ad Collectas ab Ordinariis locorum imperatas attinet, deinceps prohibentur (nisi sint pro re gravi praescriptae), non tantum in Vigiliis Nativitatis et Pentecostes et in Duplicibus I classis, sed etiam in Duplicibus II classis, in Dominicis Maioribus, infra Octavas privilegiatas, et quandoquidem in Missa dicendae sint plus quam tres Orationes a Rubrica eo die praescriptae.

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TITULUS XII. De Missis Conventualibus. In Ecclesiis, in quibus adest obligatio Chori, una tantum Missa cum assistentia Choralium semper celebretur; et quidem de Officio diei, nisi aliter Rubricae disponant; aliae Missae, quae hucusque cum praedicta assistentia celebrabantur, in posterum extra Chorum legantur, post propriam Horam Canonicam; excipiuntur tamen ab hac regula Missae in Litaniis maioribus et minoribus, et Missae in Festo Nativitatis Domini. Excipiuntur pariter Missae in anniversariis Creationis et Coronationis Summi Pontificis, Electionis et Consecrationis seu Translationis Episcopi, nec non in anniversario ultimi Episcopi defuncti, et omnium Episcoporum aut Canonicorum; omnesque Missae ex fundatione.

XIII. De Commemoratione Omnium Fidelium Defunctorum.

TITULUS 1. In Commemoratione omnium Fidelium Defunctorum, omissis Officio et Missa diei currentis, fit tantum Officium cum Missa pro Defunctis, prout in Appendice novi Psalterii praescribitur.

2. Si die 2 Novembris occurrat Dominica vel aliquod Du

[*Latin ed. p. 650*]

650 Acta Apostolicae Sedis. - Official Commentary. In the first class, the Commemoration of the Dead will be celebrated on the immediately following day, without impediment; and if, by chance, a Double of the second class occurs, this will be transferred according to the rule established in Title III, n. 3. PRESCRIBES FOR TEMPORARY USE. I. The calendars of each Diocese, or Order or Congregation using the Roman Breviary, for the year 1913, must be entirely adjusted to the rules stated above. II. On Sundays, on which days the calendar for the coming year of 1912 is inscribed, under the rite of a greater or lesser Double, the Feast of All Saints, or of the Angels, or even of the Blessed Virgin Mary, or the Octave, which is not a feast of the Lord, then the Office will be recited privately, and Masses will be said at will, or as noted in the calendar for the year 1912, or of the Sunday with the commemoration of a greater or lesser Double. Also, on weekdays, concerning which Title X, n. 2, private Masses may be celebrated, as noted therein. III. What is established in Title XIII of these Rubrics concerning the Commemoration of All Faithful Departed, must be fully put into use from the year 1912. IV. Until a new correction of the Roman Breviary and Missal, decreed by the Most Holy Lord, is published: a) Perpetual calendars must not be submitted to the Sacred Congregation of Rites for revision and approval; b) No request should be made concerning the augmentation of the rite of feasts, or concerning the introduction of new feasts; c) Particular feasts, whether of the Blessed Virgin Mary, or of Saints or Blesseds, with the rite of a greater or lesser Double assigned on Sundays, the Ordinary of the place, or the Superiors of the Regular Orders, or in both, should prescribe the Vesper, Lauds, and Mass to be said in commemoration; or they should take care to transfer them to another day, with valid arguments presented

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to the S. R. C.; or rather, they should omit them.

[*Latin ed. p. 651*]

Acts of the Holy Father, Pope Pius X, No. 651, d) In the meantime, no correction of the rubrics shall be made, and the rules mentioned above shall be inserted in the new Breviaries and Missals after the General Rubrics, omitting the Decrees of the Holy Roman Church, which have hitherto been found at the beginning of the Breviary. e) In future editions of the Breviary, the following antiphons in the Lauds shall be changed, due to the new reformation of the Psalter: On the Sunday of Sexagesima: Antiphon 5. *In excelsis laudate Deum. On the Third Sunday of Lent: Antiphon 3. Adhaesit anima mea post te, Deus meus. On the Fourth Sunday of Lent: Antiphon 3. Me suscepit dextera tua, Domine. On the Fourth Day of the Greater Week: Antiphon 3. Tu autem, Domine, scis omne consilium eorum adversum me in mortem. Antiphon 5. Fac, Domine, iudicium iniuriam parientibus: et vias peccatorum disperde. LETTERS FROM THE APOSTOLIC SEE. I. OUR SOCIETY OF OUR LADY OF THE HOLY HEART IS ESTABLISHED IN BOGOTÁ, WITH THE FACULTY OF AFFILIATING WITH ALL SOCIETIES OF THE SAME NAME AND INSTITUTE WITHIN THE ENTIRE DIOCESE OF COLOMBIA. POPE PIUS X. For the perpetual memory of this matter. The beloved son, the current Moderator of Our Society of Our Lady of the Holy Heart of Jesus, established in the Church of the Order of the Eremites of the Recollects of Saint Augustine in the city of Bogotá, within the Republic of Colombia, reports to Us that the aforementioned society is older than all other societies of the same name and institute established in the Colombian diocese, not only in terms of antiquity but also in the number of enrolled members; that it diligently promotes the establishment and growth of other societies throughout the Republic; and that, being endowed with a more substantial patrimony, it takes care to celebrate the sacred functions with greater solemnity. Therefore, We, with humble prayer, encourage the same Moderator.

[*Latin ed. p. 652*]

652 Acta Apostolicae Sedis. - Official Commentary. We deem it fitting, whether to enhance the devotion towards Our Lady of the Most Holy Heart of Jesus, or also to promote uniformity among the other societies with regard to internal discipline, to declare the aforementioned society as a Primatial one for Colombia: and to this, the recommendation and support of the Archbishop of Bogota, and the General Procurator of the Order of Discalced Hermits of Saint Augustine, Congregation of Spain and India, are added. We foster a near certainty that, from this Our declaration, both the devotion of the faithful towards Our Lady of the Most Holy Heart of Jesus will be increasingly increased, and that among all other societies of the same title, established or to be established in the Republic of Colombia,

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due uniformity of works will be observed. Therefore, we grant our assent to these wishes with a willing heart. Therefore, We, by the authority of these Apostolic Letters, declare the Sodality of Our Lady of the Most Holy Heart of Jesus, canonically erected in Bogota in the Republic of Colombia, within the Church of the Order of Discalced Hermits of Saint Augustine, as a Primatial one for the entire Colombian territory, and We grant to it all honors and privileges which rightfully belong to Primatial Societies, forever. Furthermore, with regard to the aforementioned Bogota society, which We have thus erected as a Primatial one, We likewise grant, by Our Apostolic authority, in perpetuity, to the present and future moderators and officials, that they may lawfully incorporate any other sodalities of the same name and institute within the Colombian territory, now and in the future, observing the form of the Constitution, revised by Pope Clement VIII, and other Apostolic Ordinances issued above, and that they may communicate to them all the indulgences granted to the same Primatial Society by the Apostolic See, or to be granted in the future, which may be communicated to others. We decree that these Our Letters shall always remain valid and effective, and shall fully produce and obtain their intended effects, and that those to whom they pertain, now and in the future, shall fully enjoy them; and that they shall be duly judged and determined by any judge, and shall be declared void and null from now on, if anything should be attempted concerning these matters by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the eighth day of November, 1911, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State.

[*Latin ed. p. 653*]

ACTS OF POPE PIUS X. 653. DIVISION OF THE APOSTOLIC PREFECTURE OF THE IVORY COAST AND THE ERECTION OF A NEW APOSTOLIC VICARIATE. POPE PIUS X. For the sake of posterity. — That these matters may proceed well and prosperously for the benefit of the Catholic name and the eternal salvation of the faithful, We are reminded by the supreme office of the Apostleship, which We exercise on earth, though undeserving. Guided by this counsel, We turn the eyes of Our mind to all regions of the Christian world, however far removed by land and sea, from this most holy Chair of Peter, the Prince of the Apostles, as from a lofty vantage point, and in order that the abundance of the harvest may bring the desired joy to the workers in the apostolate with lessened burdens, We are accustomed to alter the boundaries of the field of labor, and to assign it to new cultivators. Indeed, when it has seemed opportune to the Most Reverend Fathers and Lords Cardinals presiding over the affairs of the Propagation of the Faith to divide the territory of the Ivory Coast, which until now constituted a single Apostolic Prefecture, into two parts, We,

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knowing well the abundant fruits that will result from this division, have considered it fitting to issue the following decrees, with Our authority interposed. We, therefore, by Our own motion and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, divide and separate the Apostolic Prefecture of the Ivory Coast into two parts, by a line which separates the northern civil districts of Tuba, Mankono, Kong, and Bunduku from the southern districts, commonly called Cavally-Nord, Sassandra-Nord, Baulé-Nord, Comoé, and Indenie. We erect the upper part, now called "Korogo," into a new Apostolic Prefecture; and the lower part, retaining the ancient name of the Ivory Coast, We raise to the dignity of an Apostolic Vicariate. We decree that these present letters shall always exist and be valid and effective, and shall have and obtain their full and complete effects, and that those to whom they pertain, or who may pertain to them in the future, shall fully support them; and that, accordingly, they shall be judged and determined by any judge, and shall be declared void and null from that time, if anyone, by any authority whatsoever, knowingly or unknowingly, should attempt to interfere with them. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding matters of law, and other Constitutions and Ordinances.

[*Latin ed. p. 654*]

654 Acta Apostolicae Sedis. - Official Commentary. to those offices, even those deserving of special and individual mention and exemption, and to all other contrary matters whatsoever. Given in Rome, at St. Peter's, beneath the Fisherman's Ring, on the seventeenth day of November, 1911, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Congregation for Extraordinary Affairs. LETTER TO HIS EMINENCE CARDINAL RAMPOLLA, PATRON OF THE PIOUS SOCIETY OF ST. CECILIA, AFTER THE FIRST YEAR SINCE THE HIGHER SCHOOL OF SACRED MUSIC WAS FOUNDED IN ROME THROUGH THE ZEAL OF THAT SAME SOCIETY. Beloved Son, greetings and Our apostolic blessing. The joyful fruits that We have received from the students celebrating the School which the Pious Society of St. Cecilia, under Your auspices, established in Rome last year have fulfilled Our desires, and the most beloved son, Anthony Piccard, Moderator of the Congregation of the Sons of the Immaculate Mary, generously opened his halls. We believe it is very useful that this School, to which laymen and, especially, priests from both Orders, having already completed their theological studies and free from all other duties, come together to become outstanding in the knowledge and art of sacred music, that the restoration of this art and science, to which We have devoted Our mind and thought from the very beginning of Our pontificate, be brought to the desired outcome. But, considering that this excellent Christian institution, and that the abundance of ecclesiastical doctrine and the knowledge of sacred discipline which are provided to

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Our students, ought to be equal to the restoration of the approved form, it will easily be understood how great is the difficulty in ordinary schools of teaching and learning the same, and this especially because those who attend such schools often remain almost absorbed in the study of profane music. Moved by this, We, in the Motu Proprio which We promulgated on the twenty-second day of November, 1911, while striving to establish and foster such higher schools under the care of Catholics, also appropriately pointed out that the Church itself must embrace them with particular care. From these words, Beloved Son, you will understand how pleasing We have found the zeal of the Cecilia Society, and how we shall adorn the praiseworthy undertaking of the same with merit, and how We shall willingly support it with Our authority. We are confident that a studious group of harmonists will be found in the newly founded School, devoted to the most sacred rites.

[*Latin ed. p. 655*]

The Acts of Pope Pius X, 655, show his eagerness to promote discipline, believing that this will greatly contribute to the desired growth of divine worship. We are confident that the support of pious Catholics will not be lacking, and that Our resources will enable Us to establish and develop, in a manner worthy of praise, this School of the City, as We desire. In the meantime, We impart, through You, Our beloved Son, and also to the Director of the aforementioned Society of Saint Cecilia, and to the teachers and students of the new School, Our apostolic blessing in the Lord. Given in Rome, at Saint Peter's, on the fourth day of November, 1911, in the ninth year of Our Pontificate. PIUS PP. X.

ADDRESS GIVEN ON THE OCCASION OF THE IMPOSITION OF THE RED HAT UPON NEW CARDINALS, ON THE TWENTY-NINTH OF NOVEMBER, 1911.

"I thank you, Your Eminence, for the sentiments that you have expressed in the name of yourselves and your colleagues, regarding the high dignity to which you have been elevated. I, for my part, can only express my satisfaction at having called to the College of Cardinals eminent Prelates, whose virtues of piety, zeal, and doctrine I know well; Prelates who have rendered singular services to the Church in various offices, and all of whom are distinguished by the boundless devotion they profess to this Holy Apostolic See. Therefore, I congratulate you, My beloved Sons, not only on the sacred purple with which you are adorned, but, and even more so, on the new merits that you will acquire by assisting the Vicar of Jesus Christ in the governance of the Church, in the many needs that are felt so keenly today, due to the very grave conditions of the times, and to the incessant and furious attacks to which the Roman Pontificate is subjected by its enemies. For I am certain that you are all well persuaded that the new dignity will demand sacrifices from you. And on this point, I need not repeat to you the

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answer that the Divine Redeemer gave to the two disciples of the Baptist who asked Him where He dwelt: 'Come and see'; 'Venite et videte,' for you know well how both the dwelling and the miserable conditions..."

[*Latin ed. p. 656*]

656 Acta Apostolicae Sedis. - Official Commentary. from the Vicar of Jesus Christ. And I recall this not to excite your compassion towards Me, but to confirm you in the persuasion that, especially in these times, the Sacred Purple is a symbol of sorrow, of pain, and of sacrifice, carried, if need be for the triumph of truth and justice, even to the shedding of blood. But do not be dismayed, for Christ Himself foretold that His Church would be persecuted; and it should be a glory for us to bear the marks of Our Divine Redeemer. "If the world hates you," says Christ, "know that it hated Me before you. Remember the word that I spoke to you: No servant is greater than his master. If they have persecuted Me, they will also persecute you: Si Me persecuti sunt, et vos persequentur. In the world you will be oppressed, but have confidence: I have overcome the world: Ego vici mundum; and this victory reassures us through the very words of Christ, who watches over and protects the Bride, the Church, and repeats to her the words of Isaiah: The peoples and kingdoms that have not served you shall perish: Gens et regnum quod non servierit Ubi, peribit, but you shall not perish until the end of the world: Ecce ego vobiscum sum usque ad consummationem saeculi. Moreover, even in tribulation, you will not lack consolations. You will always have that which is felt in doing good, in fulfilling your duty, and the supreme consolation in suffering with Christ, secure in your predestination to the eternal reward, making yourselves conformed to the image of the Divine Son. Therefore, be consoled, O beloved children, who have thus far worked closely with Me, witnesses both to my joys and to my sorrows, and receive from the hands of the Lord, for your and My great comfort, those demonstrations of joyful delight that were shown to you by your fellow citizens, friends, and work companions in the delicate offices that you have held, and may they lighten your thoughts concerning the reward that awaits you for the important services that you will also render to the Church in the future. Be consoled, O beloved children of England and of Holland, for in the holy joy of your countrymen at your elevation to the Cardinalate, the lively faith from which Catholics are animated has been manifested, and as to you, so to Me, the heart opens to the dear hope that your example will influence the happy return of all others to the bosom of the Church. And this hope smiles sweetly upon Me before you, who have come from the distant America. The enthusiasm with which the news of your elevation to the Sacred Purple was received, the demonstrations that were shown to you by all classes of citizens, the acclamations accompanied by blessings, wishes, and affectionate greetings upon your departure from New York and Boston, and finally, the triumphal journey across the ocean,

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protected by the Papal flag, give Me not only hope, but cer-

[*Latin ed. p. 657*]

May the Lord multiply the fruits of your apostolate upon your return, and may the Lord reign over this hospitable land, which welcomes all peoples of the world and, with well-understood freedom, provides for the universal good, and may His glory shine forth in it: "Super te orietur Dominus et gloria Eius in te videbitur." What then shall I say to you, dear children of France, who groan under the weight of persecution? The people, who made a covenant with God at the baptismal font of Rheims, will return penitently to their vocation. The merits of so many children who preach the truth of the Gospel throughout almost the entire world, and many of whom have sealed it with their blood; the prayers of so many saints, who yearn to have companions in heavenly glory, their beloved brothers of their homeland; the generous piety of so many faithful, who, even at the cost of sacrifices, maintain the dignity of the clergy and the splendor of the Catholic worship; and above all, the lamentations of so many children, who pour out their souls before the tabernacles in expressions that God Himself puts upon their lips, will certainly call down divine mercies upon this nation. The sins will not go unpunished, but the daughter of so many merits, so many sighs, and so many tears will never perish. There will come a day, and we hope not a distant one, in which France, as Saul on the road to Damascus, will be surrounded by a light from above, and will hear a voice that will repeat to her: "O daughter, why do you persecute me?" And answering, "Who are you, O Lord?" the voice will add: "I am Jesus, whom you persecute; it is hard for you to kick against the goad, for by your obstinacy you are ruining yourself." And she, trembling and astonished, will say: "Lord, what do you want me to do?" And He will say: "Arise, cleanse yourself of the abominations that have defiled you, awaken in your heart the dormant sentiments and the pacts of our alliance, and go, daughter, firstborn of the Church, nation predestined, vessel of election, to carry, as in the past, my name before all peoples and the kings of the earth." And with this most sweet wish, I impart, with a heart full of affection, the Apostolic Blessing upon you all, dear children, upon the clergy and the people of your dioceses, upon your religious communities, upon the beloved faithful who graced this ceremony with their presence, upon your relatives and theirs, and may this blessing be a source for all of the most excellent graces and the most comforting consolations. *Benedictio Dei...*

[*Latin ed. p. 658*]

658 Acta Apostolicae Sedis. - Official Commentary. SACRED CONSISTORIAL CONGREGATION OF ROME. DECLARATION CONCERNING THE FACULTY OF GRANTING DISPENSATIONS TO PRIESTS FROM IRREGULARITY. Regarding the doubt "whether, by virtue of the decision

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of this Sacred Consistorial Congregation of February 27, 1909, the faculty of granting dispensations from irregularity to priests, whether this arises from a fault or from a defect, pertains to the Sacred Congregation of Sacraments, or rather to the Sacred Congregation of the Council"; His Most Holy Lordship, Pope Pius X, having considered the votes of both the Secretariats of the Sacred Congregation of Sacraments and the Sacred Congregation of the Council, and also of the Consultors of this Sacred Congregation, ordered that it be answered "that dispensations from defect are to be reserved to the Sacred Congregation of Sacraments, while those arising from fault are to be reserved to the Sacred Congregation of the Council." Given in Rome, from the Secretariat of the Sacred Consistorial Congregation, on November 28, in the year 1911, C. CARD. DE L A I, Bishop of Sabina, Secretary. L. Scipio Tecchi, Assessor. THE WARNING. A certain priest, named Torrente, who, in the past year, embracing the tenets of Protestants and Spiritists, has publicly renounced the Catholic faith, has not ceased to spread pernicious and harmful errors among former members and the faithful, but rather becomes more dangerous each day, inasmuch as he attempts to conceal his wickedness with his deceptions. To avoid these evils, and to prevent greater ones, it is absolutely necessary that the Ordinary of each diocese, especially in Spain and Latin America, in which he is said to travel, diligently investigate and prohibit the aforementioned priest from performing any sacred ministry. In the Secret Consistory of November 30, 1911, HIS HOLINESS deigned to bestow upon the Most Reverend DUBILLARD the title of Saint Susanna.

[*Latin ed. p. 659*]

Sacred Congregation of the Propagation of the Faith. Sacred Congregation of Rites. 659. Sacred Congregation of the Propagation of the Faith. APPOINTMENT OF A BISHOP. By Decree of the Sacred Congregation of the Propagation of the Faith, the following was appointed: November 17, 1911. – Reverend Father Julius Moury, from the Seminary of Lyons, for the Missions of Africa, titular Bishop of Ariassus and Apostolic Vicar of the Coast of Ebunre. I. ROME OR VENICE. DECREE OF CONFIRMATION OF THE CULT GIVEN TO THE SERVANT OF GOD BONAVENTURE TORNIELLI, PRIEST, PROFESSED MEMBER OF THE ORDER OF THE SERVANTS OF THE BLESSED VIRGIN, NOW BEATIFIED, WHO, FROM TIME IMMEMORIAL, HAS BEEN VENERATED. Among the illustrious heralds of the Gospel who flourished in the fifteenth century, Bonaventure Tornielli, born of a noble family from Forlì, occupied a special place. He was a priest, professed member of the Order of the Servants of the Blessed Virgin, and Prior of the church and monastery of Saint Marcellus in the City of Rome. Having enjoyed a period of solitude, in which he delighted for a year, so that he might be more free to devote himself to divine matters and his own perfection, he emerged, as it were, as a giant, to fight

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the battles of the Lord, and, being adorned with the title of Concionator by Pope Sixtus IV, he immediately traversed the territory of the Papal States and Venice with sacred expeditions, and, not only with words, but also with example, he stirred up men to all virtues, and especially to the practice of penance. In the year 1488, he was elected, with all the votes, by the General Vicar of the Congregation, of his Order, concerning observance, and he accepted this burden and office out of obedience, and administered it faithfully and prudently. Nevertheless, he never abandoned his customary apostolic labors, always striving to promote the greater glory of God and the salvation of souls. Finally, in Utini, where he was giving Lenten sermons, in the year 1491, already eighty years old, weakened by age and the austerity of life, on the fifth day of the week, on the Lord's Supper, on the thirtieth day of March, he passed away.

[*Latin ed. p. 660*]

The Acts of the Apostolic See. - Official Commentary. With the most devoted acceptance of the sentiments of the Church, he peacefully migrated to Heaven. The body of Bonaventure was brought to the Church of the Servants, commonly known as Santa Maria Gratiarum, and, with a large gathering of clergy and people, was religiously honored and, according to the common wish, placed in its proper place above the earth. Formerly, after being translated to Venice, where it shone with signs and wonders, first to the Church of Santa Maria dei Servi, and more recently to the Church dedicated to the Most Sacred Heart of Jesus, it has always been held in great veneration. Meanwhile, the fame of sanctity which the Servant of God acquired in life, after his death, together with the public and ecclesiastical worship offered to him, became so clear that an inquiry was held in this esteemed city by the Ordinary Authority, and the subsequent judgment was issued. The acts and procedural rights, together with the authentic documents, were presented to the Congregation of Sacred Rites, and, according to the law, after a preliminary investigation, when all was before them, the Reverend Father Joseph M. Civra, General Postulator of the Order of the Servants of Mary, proposed the following question to the Most Eminent and Most Reverend Lord Casimir Gennari, Cardinal Priest of Saint Marcellus and Promoter or Relator of this Cause, in the Ordinary Congregation of the Sacred Rites, held on the indicated day at the Vatican: Whether the judgment rendered by the Judges delegated by the Eminent Vicar of the City, concerning the worship rendered from time immemorial to the Servant of God Bonaventure Tornielli, or concerning the exception to the decrees of the Most Holy Pope Urban VIII, should be confirmed in the case and for the purpose in question? And the Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the Eminent Relator, having heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering

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the matter, decided to respond: Affirmative, that is, the judgment should be confirmed, with the prior correction of any defects, both with regard to the delegated jurisdiction assigned to him for its execution, and with regard to the mandate of the Postulator. On September 5, 1911. After all of this was reported to the Most Holy Pope Pius X through the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness, having granted the requested dispensation, approved and ratified the Decree of the same Sacred Council on the 6th of the same month and year. Fr. S. CARD. MARTINELLI, Prefect. L. © S . f. Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 661*]

To the Most Reverend Congregation,

The undersigned, having presented the following questions for a suitable resolution:

I. Whether those celebrating Mass and the ministers, who kneel during the solemn Mass on the feast of the Annunciation of the Blessed Virgin Mary, as well as on the Nativity of Our Lord Jesus Christ, when the words "Et incarnatus est" [And the Word was made flesh] etc. are sung by the choir, ought also to kneel when those same words are recited together at the altar?

II. On the eve of the feast of a Saint whose name is contained in the Canon of the Mass, whether the celebrant ought to incline his head when he pronounces that same name?

III. The feast of Saint Stephen, the Pope and Martyr, which is a distinguished titular feast of a collegiate church, has long been celebrated throughout the Kingdom of Rhoedig under the double rite, namely, of the first class with an octave. It is asked whether the Creed can and ought to be recited in the Mass throughout the same kingdom.

And the Sacred Congregation, after hearing the opinion of the Liturgical Commission, and upon the report of the undersigned Secretary, decided to respond as follows:

To I: Affirmative.

To II: Affirmative, according to the rubrics of the Missal concerning the rite of celebrating Mass, title V, number 2.

To III: Negative, and the Decree number 2189 of the Penitentiary, dated March 23, 1709, must be observed.

And thus it was written and declared on November 24, 1911.

[Signed]

Fr. S. CARD. MARTINELLI, Prefect.

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Fr. Petrus La Fontaine, Bishop of Charystien, Secretary.

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TUNKÍINEN. NULLITY OF MARRIAGE (TIEN-CANH).

During the blessed reign of Pope Pius X, in the eighth year of his pontificate, on July 7, 1911, the Most Reverend Fathers, Franciscus Meiner, Prefect, Ioannes Prior, and Aloisius Sincero, Auditors of Tournon, in the case of "Tunkinen - Nullity of Marriage," between Ioannes Tien, represented by his procurator, Aloisius Gonte, advocate, and Agnetem Ganh, who intervened and argued in the cause as Defender of the Sacred Bond ex officio, rendered the following judgment:

Ioannes Tien, from the Catholic community of Dong-Kien, yielding to the entreaties and threats of his father, in the year 1902, before the Church, married Agnetem Canh, from...

[*Latin ed. p. 662*]

662 Acta Apostolicae Sedis. - Official Commentary. In the community of Phuk-Think, she took a wife. In the year 1908, she brought the matter before the ecclesiastical tribunal, in order that the nullity of the marriage might be declared, on the grounds of coercion and fear. The process was then duly conducted, but no judgment was rendered. For, when Agnes Canh, in a second interrogation under oath, affirmed that the marriage had been consummated, whereas in the first interrogation, also under oath, she denied the same, the delegated judge dared not pronounce a judgment, and therefore sent all the proceedings to the Apostolic Vicar, requesting him to transmit the proceedings to Rome, to the Holy Congregation of Sacraments, so that a judgment might be rendered. Consequently, by a special mandate, the question was brought before the Most Holy Office, which is charged with answering the proposed doubt: "Whether the nullity of the marriage can be established in this case." The Reverend Fathers, Auditors, judged that the following should be answered: "Affirmatively." REGARDING THE LAW. The marriage in this case is impugned on the grounds of coercion and fear. The impediment of coercion and fear arises "even if one, compelled by fear, truly consents to marriage; for this consent is, by law, invalid, so that such marriages are annulled, not by presumption of a fictitious consent, but by true consent." (Schmalzgrueber, book IV, title I, number 392). In this case, however, the marriage can also be impugned on the grounds of lack of consent, since, from the records of the proceedings, it appears that John Tien may not have had true and internal consent. But, since, on the one hand, the lack of internal consent is more difficult to prove than the external fact of coercion and fear, and since, on the other hand, the proceedings were not expressly conducted on this ground, it may be set aside, whether John Tien truly entered into the marriage with internal consent or not. Granted, for the sake of argument, that John Tien truly and internally consented to the marriage, the marriage itself between him and Agnes Canh is already to be declared null and void on the grounds of coercion and fear, as will be

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demonstrated later. Coercion is commonly defined by authors, following the Roman jurist Paulus (L. I, 2, D. quod metus causa, IV, 2): "A demand for a greater thing which cannot be resisted." St. Thomas (4, dist. 22 g. 1, art 1) distinguishes between two kinds of coercion, one absolute and the other conditional. Absolute coercion applies to external acts and cannot be resisted, either because reason is taken away, or because the one who is subjected to the force cannot physically resist, even though internally he has full dissent of will. Since absolute coercion completely excludes consent on the part of the one subjected to the force, it is not discussed here; for a marriage cannot be concluded without any human act.

[*Latin ed. p. 663*]

St. Bonaventure. 66. The conditional force is defined by its contrary: "A moral coercion which moves the will to will the good under the threat of evil, so that the will consents to avoid evil, otherwise it would not consent." The conditional force and fear have a relationship to each other as cause and effect. "This latter [force] and fear are taken as synonyms, or at least as closely related; as is stated in the title concerning those things which are done by force or fear, where what is stated about force is also stated about fear, and vice versa. Gleric gives the reason in *de sacr. matr.*, decision 27, n. 4, because force and fear are correlative, and what is said of one is also understood of the other; force indeed consists in the fear that is brought about, and it acts as an agent; fear, however, stands in the person to whom the force is brought, and it acts as the patient." (Schmalzgr., book IV, title I, n. 384). Fear can be defined as: "The trembling of the mind caused by present or future danger (or harm)." (L. I..., as above). Marriages begun with fear are said to be null (cap. 6, 13, 14, 15, 28, X de sponsal. IV, 1), and therefore fear constitutes a dispelling impediment to marriage, at least for Christians. But for this to be the case, it is required first that the fear be instilled from an external source by a free cause; second, that the fear be grave, such as would befall a constant man; third, that it be unjustly instilled, either in substance or at least in manner; fourth, finally, that the fear be instilled in order to extort the matrimonial consent. Although some ancient authors (Schmalzg., *I. c*, n. 398, s.; Lugo, *De instit. et iure*, disp. 22, n. 174, s.) have denied that this last condition is necessarily required, in our age, canonists almost unanimously rightly point it out. There is no doubt that reverential fear is to be considered a grave fear, if, from the circumstances, it is truly grave, such as from the fear of the perpetual indignation of parents, from constant and inopportune prayers, from threats and the like.

AS FAR AS THE FACTS ARE CONCERNED. I. First, certain observations about the matrimonial solemnities and customs that prevail in that region of Southern Tunchini must be stated, based on the written record transmitted by the judge's instructor. "1. It must first be noted that most of the time it is the parents who choose wives for their sons and husbands

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for their daughters. 2. Some time after the marriage proposal made by the parents of the young man has been accepted by the family of the young woman, there is a wedding feast. 3. When a young man is engaged, he must, either in person or through an intermediary, make several approaches to the family of his fiancée each year; he must bring... ”

[*Latin ed. p. 664*]

664 Acta Apostolicae Sedis. - Commentarium Officiale. ”praesentes etc. 4?. Post ceremonium (benedictionis nuptialis), uterque novus coniux redit ad domum patris sui. 5. Paucis diebus post benedictionem nuptialis, puella ducitur a parentibus suis ad domum mariti sui; hoc appellatur ”ducere nuptam”. Haec deductio nuptae est occasio laetitiae, conviviorum familiarum, etc. 6. Pleraeque domus Annamitarum habent ”plurima cubicula, praesertim unum cubiculum interius, alterum exterius. Cubiculum exterius est apertum omnibus: ibi visitatores recipiuntur: cubiculum interius, quod in translatione aliquando etiam ”cubiculum nuptiale” appellatur, est cubiculum reservatum feminis.” Quod attinet porro veracitatem partium et testium, in relatione iudicis instructoris missa ad Vicarium Apostolicum et in actis existente, inter alia haec leguntur: ”1. Agnes Canh est persona quae merito reputatio stultae quam pleraque testes ei fecerunt: ea ita nota est in toto paeninsula. Dubito si talis temperamentum non sit causa, quod, cum semel decreverit aliquid dicere, non voluerit postea ab errore suo recedere, non comprehendens, quamquam monemur iterum et iterum, gravitatem testimonium quod ei petebatur. 2. Jean Tien est iuvenis cuius conducta severe et iuste iudicatum est in notis Patris Denis, praefecti districtus Dong Thap. Si nos locamur ad punctum de causa matrimoniali sua, perspicue ex ”accusatione matrimonii” eius et ex interrogatione eius apparens est quod ad omnia argumenta confugit quae eum iuvare possent ad recuperandam libertatem suam. Non solum affirmavit, ad hunc finem, res quae, secundum totum testimonium, cognitae sunt verae, sed etiam, sequens, pro doloris causa, consuetudinem Annamitam, affirmavit alias res, quae, verum est, secundariae sunt, sed quas postea cognovimus esse omnino falsae... Vestra Excellentia scit certe quod cum Annamita causam vere bonam habet, postea, in desiderio eius ut illa triumpharet, eam laedere potest per longam seriem mendaciorum quos addebat, ut, secundum opinionem suam, rei principali plus visis tribueret. 3. Omnes testes citati mihi videri sunt sinceri in testimentis suis, et non credo quod inter eos ullus pactum fuisset de modo quo deposeri debet. Simpliciter dixerunt de eo quod meminerunt, de eo quod viderunt vel audiverunt. Non notavi quod esset partis praebere ad favorem unius vel alterius

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coniugis." Tertio, notandum est tum partes litigantes tum testes excussos.

[*Latin ed. p. 665*]

The Roman Rota. 665. All are Christians, and all have made their depositions after duly taking an oath, as appears from the records. II. With these premises, it must be inquired whether it appears from the records and the evidence presented that the marriage between John Tien and Agnes Canh was null and void due to coercion and fear. Since, from the preceding notes, it appears that there is nothing extraordinary in the situation of parents choosing wives for their children in that region, the testimonies which speak of coercion on the part of the father and fear instilled in the son are all the more to be considered. For it is not a matter of a choice to which the son willingly submitted, but of a choice to which the son was compelled by force and fear, and indeed by grave fear, unjustly instilled by the father in order to extort the son's consent to the marriage, as will appear from the following. John Tien himself, in his judicial deposition, among other things, says: "My parents told me: 'If you do not listen to us, we will not acknowledge you as our son; and then you will marry whoever we choose, because we will no longer consider you as our son: you will be able to go wherever you want.' My parents threatened me, but they did not strike me... When I went before the priest, my father was sitting nearby; therefore, I replied: 'Yes, I have not thought about the sin.' Although my parents did not strike me, I replied that I consented to marry Agnes Canh, for fear that the priest would not give me the nuptial blessing, and above all, I feared the resentment of my parents if I said no." Peter Xuyen, the father of the plaintiff, says: "I alternately used gentleness and fear to persuade John Tien to agree to my wishes. Seeing this, whether he wanted to or not, he had to submit. He is grateful to us for providing him with the means to study Chinese characters; therefore, he had to submit. I threatened to strike him, but I did not strike him, because he ran away; and I told him: 'If you do not obey us, if you do not accept this girl, I will drive you out of the house... My two brothers did not want to go to the meal because they saw that I was forcing my son...' Before the marriage, John Tien said to his mother: 'In the priest's questions, I will say that I do not want Agnes Canh.' My wife repeated these words to me, but my son did not dare to say them to me himself, because he feared me." The same is entirely testified by Anne Mu Xuyen, the mother of the plaintiff, as appears in the records. From the depositions of other witnesses, who all speak of the coercion inflicted upon John Tien, some examples are given. John Quang says: "Before the marriage, every time John Tien spoke disparagingly of Miss Canh, his father threatened him... Everyone knew..."

[*Latin ed. p. 666*]

666 Acta Apostolicae Sedis. - Commentarium Officiale. "in the Christen-

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dom that Mr. Xuyen was forcing his son." Anne Thoa also stated: "In the days preceding the marriage, Jean Tien repeatedly said that he 'did not want Miss. Canh.' He would say, 'I will be obliged to go and get married, because 'I fear being mistreated...'" In the Christendom, everyone "said: 'Jean Tien does not want Agnes Canh; it is his father who is forcing 'him to take her as his wife.'" Then the people mocked Mr. Xuyen. Furthermore, Anne Xuyen Tri, the eldest sister of the plaintiff, testified: "My father 'accompanied Jean Tien; and when he returned, he told me: 'I wanted 'to say no; but I was afraid that my father would punish 'me.'" III. Therefore, from the above statements, it is clearly evident that the consent of the groom - setting aside, as stated above, whether the groom truly and internally consented, or merely simulated consent - was extorted by grave and unjust fear. However, it will not be useless to confirm this from the circumstances preceding and following the ecclesiastical ceremony, so that the truth may be made even clearer. First, a few things must be said about the banquet held before the wedding. According to his own testimony, the groom behaved in this way there: "I went there, 'but it was against my will; therefore, I wrote a document to give 'to Mr. Van... I secretly placed this document in Mr. Van's 'betel and areca nut pouch, so that he would know that I did not 'want to marry his sister; I did not show this paper to anyone. 'It was only after 3 or 4 days that Mr. Van found this paper 'and spoke about it to my parents... As for my two uncles... 'they did not attend this meal. I had told them beforehand: 'You are committing a fault if you attend, because I do not 'want to marry this young woman.'" Peter Van, the eldest brother of the bride, confirms this fact in a letter stating: "A few days earlier, Jean Tien had asked the man named 'Moe to deposit a letter in my betel pouch, and in this letter 'he told me that he did not consent to take my sister as his 'wife." This fact was also not unknown to other witnesses, although they did not know what was written in those letters. The groom testified about the gifts received from the Vietnamese in preparation for the wedding: "When my parents were pressing me excessively, then only 'did I consent to go; and upon returning, lying, I told my 'parents that I had been there; twice, I went as far as the 'house of Miss. Canh, the father and mother of this young 'lady were there; as for her, I did not meet her. Arriving 'at the aforementioned house, I offered my gifts, I sat down 'for a moment, and then I left without saying anything 'regarding my future marriage.

[*Latin ed. p. 667*]

St. Boma Bota. 667. "with Miss. Canh." From the testimonies of other witnesses, especially the bride's mother, it is clear that the accused stated the truth. However, the accused's behavior after he contracted marriage with Agnes Canh is explained by the bride herself: "After the ceremony, 'my brother, Mr. Xuyen, and I went to thank the priest. 'Jean Tien did not come; he disappeared immediately after the Mass.'" The so-called "con-

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duct of the bride" did not change, for the bride continues: "Upon arriving at Mr. Xuyen's house, 'I did not see Jean Tien; as soon as I entered through one door, he would exit through another, in order to avoid me. After the meal, when I brought tea to drink, I met him for the first time; he did not speak a word to me; I offered him betel nuts to chew, but he did not accept them... 'The following days were the same." From other testimonies, both of parents and of others, it is clear that Jean Tien truly behaved in this manner towards his bride, so that the testimony of one witness, who affirms the contrary, should be considered worthless. IV. It cannot be said that the marriage was validated over time by cohabitation and marital intercourse. It is unnecessary to enumerate the conditions required for such validation, since the fact of the non-consummation of the marriage is entirely established. Jean Tien rarely stayed in his parental home, where his wife also resided, and he always revealed his intentions through his words and actions, never acknowledging Agnes as his wife. Repeatedly questioned by the judge, he always denied ever having had carnal relations with Agnes. This is confirmed first by the witness Jean Dien, who said: "Jean Tien 'told me: 'Once I was sleeping at my house, and my father wanted to force me to have carnal relations with Agnes Canh; I went to the door of the room, and as soon as I saw her, I felt hatred take hold of me, and I went to hide in a cistern.'" Peter Xuyen, the actor's father, himself confesses: "I would have liked the thing to happen, in order to prevent them from being the object of ridicule for the world, for the fact of not having children... But Jean Tien and Agnes Canh 'never had carnal relations.'" Furthermore, there are other testimonies in the records, which, confirmed by so many and such circumstances, make it impossible to doubt that the marriage in this case was never consummated. To remove the difficulty arising from a certain singular fact, Agnes Van is quoted as saying: "I therefore once questioned my sister-in-law 'to know if she and Jean Tien loved each other, if they had had marital relations. Here is what my sister-in-law told me at that time:"

[*Latin ed. p. 668*]

668 Acta Apostolicae Seáis. - Commentarium Officiale. "Sœur: 'Jean Tien a une fois ouvert la porte de la chambre nuptiale, où je me trouvais, il est entré et est sorti tout de suite...' " Elle n'a pas ajouté que Jean Tien avait couché avec elle." Ce fait est expliqué plus précisément par la mère du fiancé, Anna Mu Xuyen: "Mon fils avait l'habitude d'aller s'amuser et revenait le soir très tard. À son retour, il cherchait du riz, du bétel, etc. Cette nuit-là, j'ai entendu du bruit dans la chambre nuptiale, c'est pourquoi j'ai demandé: 'Qui est là?' Tien est-il entré ou était-il déjà là depuis longtemps, je ne sais pas; mais quand j'ai demandé 'qui est là?', il a répondu: 'C'est moi, Jean Tien; je prends de l'arec et du bétel'; puis il est sorti immédiatement de la chambre. Ceci s'est passé non pas aussitôt après l'arrivée de la bru, mais environ trois mois après. Quant aux rapports conjugaux entre mon fils et

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Agnès Canh, il n'y en a pas eu; je n'ai aucun doute à ce sujet." La mariée, dans son premier interrogatoire, a simplement affirmé que le mariage n'avait jamais été consommé, et lors d'une autre session, interrogée par le juge, elle a répondu à nouveau: "Jamais." Mais lorsqu'elle a été pressée par le juge, elle a répondu ainsi: "Nous avons eu des rapports conjugaux trois fois: la première fois, sept jours après l'arrivée de l'épouse; la deuxième fois, après quinze jours supplémentaires; la troisième fois, encore quinze jours plus tard." Interrogée par le juge sur la raison pour laquelle elle avait dit le contraire auparavant, elle a répondu: "J'avais oublié la chose." Cependant, compte tenu des circonstances, il est certain que la mariée a dit le faux lors de cette deuxième fois, ou lors de cette deuxième session. En effet, après avoir confirmé sa première déposition au début de la deuxième interrogation, elle a immédiatement dit le contraire, indiquant également les jours où les rapports sexuels avaient eu lieu. Interrogée à ce sujet, elle a répondu qu'elle avait oublié cette chose. Si elle avait oublié cela lors d'une occasion, comment pouvait-elle se souvenir de tous les détails du temps lors d'une autre occasion! De plus, de nombreux témoins, dont la véracité ne peut être mise en doute, prouvent que la mariée a menti à ce sujet.

Si, comme c'est le cas, il est établi que, dans les premiers temps après le mariage contracté, il n'y a pas eu de relations conjugales, alors le mariage n'a jamais été consommé, surtout si les époux ont ensuite vécu séparément. Après avoir considéré et pesé attentivement tout cela, invoquant le nom du Christ, Nous, les juges ci-dessous, assis en jugement et ne voyant que Dieu devant nous, décidons, déclarons et prononçons: "Il est établi que le mariage est nul dans ce cas," ou, en répondant à la question posée: "Affirmatif." Ainsi nous prononçons, ordonnant aux ordinaires des lieux et aux ministres des tribunaux à qui cela appartient, de donner l'ordre d'exécution et de prendre des mesures contre ceux qui..."

[*Latin ed. p. 669*]

The Secretariat of State. 669. Let the proceedings conform to the norms of the Sacred Canons, especially chapter 3, Session XXV, concerning Reform, of the Council of Trent, applying the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, July 7, 1911. Franciscus Heiner, Prefect. Ioannes Prior. Aloisius Sincero. Sac. Tancredes Tani, Notary.

AUTHENTIC DECLARATION CONCERNING THE INDULGENCE OF ABSTINENCE AND FASTING FOR LATIN AMERICA, ISSUED BY THE SECRETARIAT OF STATE ON JANUARY 1, 1910.

FROM THE AUDIENCE OF THE MOST HOLY. December 13, 1911.

Concerning the Indulgence of Abstinence and Fasting for Latin America, issued by the Secretariat of State on January 1, 1910, the following doubts were humbly proposed to the Holy See by the Reverend Vicarius Apostolicus of British Guiana:

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I. Whether the Negroes and Indians, who enjoy the privileges granted by the Constitution of Leo XIII, *Trans oceanum*, are only obligated to fast on the weekdays of Lent, on Holy Saturday, and on the eve of the Nativity of the Lord, and whether, in virtue of the aforementioned indulgence, they are also exempt from fasting on Holy Saturday and on the eve of the Nativity of the Lord.

II. Whether, on the days on which it is permitted to avail oneself of this indulgence, the prohibition of mixing meats and fish remains in force.

III. To the extent that the answer to I is affirmative, whether this prohibition also applies to Negroes and Indians.

The Most Holy Pope Pius X, after consulting me, the undersigned Cardinal of the Secretariat of State, decreed that the following should be answered:

To I. Sufficient provision has been made by article XIII of the Constitution *Trans oceanum* of April 18, 1897, and therefore both privileges, or indulgences, can be cumulative.

1. *Cf.* Acta Apostolicae Sedis, Vol. II, p. 215-217.

[*Latin ed. p. 670*]

Acta Apostolicae Sedis. - Official Commentary. 670, page 11. Affirmative, unless a special apostolic dispensation is obtained. Regarding item III, Affirmative, as in item II. And thus, His Holiness ordered that this be made public and observed, notwithstanding any contrary provisions whatsoever. Given in Rome, from the Secretariat of State, on the aforementioned day, month, and year. R. CARD. MERRY DEL VAL. L. © DIARIO ROMANAE CURIAE. SACRED CONGREGATION OF RITES. GENERAL CONGREGATION. On November 28, 1911, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Reverend and Reverend Lords Cardinals, together with the Reverend Prelates, Officials, and Theological Consultors who comprise it, expressed their opinion on the question of heroic virtues in the Cause of beatification and canonization of the Venerable Servant of God, Gaetano Errico, priest, founder of the Congregation of the Sacred Hearts. ORDINARY CONGREGATION. On December 12, 1911, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented to the judgment of the Most Reverend and Reverend Lords Cardinals who comprise it: 1. Introduction of the Cause of Beatification and Canonization of the Servant of God, Maria Teresa Haze, Foundress and General Superior of the Congregation of the Daughters of the Cross. 2. Review of the writings of the Servant of God, Lucia Filippini, Foundress of the Institute of the Pious Filippini Sisters. 3. Review of the writings of the Servant of God, Pietro Donders, Priest, Professed of the Congregation of

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the Most Holy Redeemer. 4. Review of the writings of the Servant of God, Domenico Savio, a young secular student, of the Salesian Oratory.

[*Latin ed. p. 671*]

Diary of the Roman Curia. SECRETARY OF STATE, 671. His Holiness, with a letter and a Brief from the Secretariat of State, has deigned to appoint: Domestic Prelates, of the rank of Monsignor: November 23, 1911. — The Reverend Emilio Ghalvet, General Vicar of the diocese of Porto Luigi. — The Reverend Dr. Leonardo Atzberger, Professor at the Theological Faculty of the University of Munich in Bavaria. November 25. — The Reverend Anthony Korányi, parish priest in the city of Bardejov, in the diocese of Gassovia. November 29. — The Reverend Anthony Lega, General Vicar of the diocese of Tivoli. Extraordinary Chaplains of His Holiness: November 26, 1911. — The Reverend Francesco Forti, Beneficiary of the Patriarchal Basilica of the Vatican. November 27. — The Reverend Oscar Perrotti de Carbonel, of Rome. With letters from the Secretariat of State, His Holiness Pope Pius X, has deigned to appoint: December 7, 1911. — Monsignor Oreste Giorgi, Secretary of the Sacred Congregation of the Council. — Monsignor Carlo Perosi, Regent of the Sacred Apostolic Penitentiary. HONORS. His Holiness, with a letter and a Brief from the Secretariat of State, has deigned to bestow the following honors: The Commander's Cross with plaque of the Order of Saint Gregory the Great: November 17, 1911. — To Mr. Francesco Kluge, patron of the parish church of Forst, in the district of Arnau. November 24. — To Mr. Attorney Domenico Pinto Coelho, a Portuguese citizen. The Commander's Cross of the Order of Saint Sylvester: November 24, 1911. — To Mr. Dr. Diego von Bergen, Counselor of Legation and Secretary of the Legation of Prussia to the Holy See. The Knighthood of the Order of Saint Gregory the Great, civil class: November 25, 1911. — To Mr. Gaspare Van de Ven, Secretary of the Catholic Hospital of Boxmeer in the diocese of Bois-le-Duc.

[*Latin ed. p. 672*]

Acts of the Apostolic See. - Official Commentary. The Knighthood of the Order of St. Sylvester the Pope: November 21, 1911. — To Mr. Giuseppe Jonkergouw, of the diocese of Bois-le-Duc. November 24. — To Mr. Eugenio Passerin de Entreves, of the diocese of Aosta. November 29. — To Mr. Count Maurizio Ollivier Beauregard, of Paris. — To Mr. Bernard Paschali, of Périgueux.

THE DOMESTIC OFFICE OF HIS HOLINESS. His Holiness, through a letter from His Eminence, the Reverend Monsignor, the Domestic Prefect, has deigned to appoint:

Extraordinary Secret Chamberlains: October 1, 1911. — Monsignor Tommaso Emanueli. November 22. — Monsignor Carlo Catani, of the diocese of Livorno.

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Extraordinary Secret Chamberlains of Sword and Cape: November 25, 1911. — Mr. Agostino Caterini. — Mr. Count Cesare Caterini.

Chamberlain of Honor in purple vestments: November 21, 1911. — Monsignor Fioretti, of the diocese of Senigallia.

NECROLOGY: December 12, 1911. — Monsignor Ambrogio Agius, titular Archbishop of Paimira, Apostolic Delegate in the Philippines.

[*Latin ed. p. 673*]

I. GENERAL INDEX OF MATTERS TREATED: PAPAL CONSTITUTIONS, 553, 633. ENCYCLICAL LETTERS, 217. MOTU PROPRIO DECREES, 305, 337, 555. APOSTOLIC LETTERS, 5, 53, 93, 122, 157, 177, 224, 257, 340, 361, 409, 651. EPISTLES, 11, 61, 98, 117, 129, 160, 180, 228, 261, 310, 344, 365, 473, 521, 562. b) NOMINATIONS, 40, 67, 139, 199, 349, 481, 524, 659. SACRED CONGREGATION FOR INDICES, 41, 200, 278. SACRED CONGREGATION FOR RITES: a) DECREES CONCERNING BEATIFICATIONS OR CANONIZATIONS, 69, 165, 317, 392, 482, 568. b) LITURGICAL MATTERS, 42, 67, 105, 135, 201, 241, 279, 317, 322, 350, 396, 611, 571, 659, 654. TRIBUNALS. ADDRESSES, 585, 655. SACRED CONGREGATIONS. SACRED CONGREGATION OF THE HOLY OFFICE, 163. Section on INDULGENCES, 22, 64, 233. SACRED ROMAN ROTA, 44, 70, 107, 140, 166, 202, 244, 284, 324, 398, 413, 483, 525, 572, 611, 661. PUBLIC SUMMONSES, 46, 212, 253, 466, 476. SACRED CONGREGATION CONSISTORIAL: a) DOCUMENTS, 25, 99, 133, 181, 568. SIGNATURA APOSTOLICA, 79, 110, 335, 353, 467, 590, 658. b) ERECTION OF DIOCESES, 26, 478. c) ALTERATION OF BOUNDARIES, 64, 479. d) PROVISION OF CHURCHES, 25, 65, 100, 134, 164, 182, 269, 346, 412, 479, 569, 591, 600. SACRED CONGREGATION FOR THE CENSURE OF HERETICAL BOOKS. SECRETARY OF STATE: d) DOCUMENTS, 669. 6) EPISTLES, 83, 111, 151, 173, 293, 405, 513, 579. MENTORS, 26, 102, 571. SACRED CONGREGATION OF THE COUNCIL, 183, 271, 366, 480. COMMISSION FOR BIBLICAL MATTERS, 47, 294. SACRED CONGREGATION FOR RELIGIOUS ORDERS, 29, 235, 270, 391, 570. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: a) DOCUMENTS, 66, 104, 198, 347, 481. ACTS, vol. DIARY OF THE ROMAN CURIA, 50, 88, 113, 155, 174, 214, 254, 301, 335, 359, 406, 471, 519, 551, 583, 629, 670. III, n. 18. — 30-12-911.

[*Latin ed. p. 675*]

II. INDEX OF DOCUMENTS ARRANGED CHRONOLOGICALLY BY YEAR, MONTH, AND DAY, WITH PAGE NUMBERS. I. — ACTS OF THE SUPREME PONTIFF. X. I. - APOSTOLIC CONSTITUTIONS. 1911, October 28, If any. - Concerning the new ecclesiastical hierarchy in. November 1, By Divine Inspiration. - Concerning the new arrangement of the Psalms in the Roman Breviary. 553 633 II. — ENCYCLICAL LETTERS. May 24,

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Already for some time. - To the Venerable Brothers, Patriarchs, Primates, Archbishops, Bishops, and other Local Ordinaries, who have peace and communion with the Apostolic See. 217 III. — BY PAPAL ACT. 1910, October 13, This was a solemn occasion. - Concerning the renewal of the reasons for divine worship. 1911, June 28, " " July, October 2, In the vast. - Concerning the new sanctuary in the territory of Neptune, to assist the spiritual needs of the people. . . . " " 23 337 307 305 With the greatest diligence. - Concerning those who draw clerics to the Order of Friars Minor, regarding the General Chapter, elections. 555, How much more. - Concerning certain matters to be observed in the Order of the Friars Minor with regard to the General Chapter, elections. 556 IV. — APOSTOLIC LETTERS. 1910, March 2, November 11, It must be made known to us. - To the Archsodality erected for Perpetual Adoration in the Abbey Church of Laibach, the faculty is granted to permanently unite other Sodalities of the same institute and name throughout the nations. With all. - Special privileges and indulgences for the Archsodality, on the occasion of the first centenary of its erection. . . . 93 5

[*Latin ed. p. 676*]

Index of Documents 676 PA.GT. YEAR I, MONTHS I, NOVEMBER; DECEMBER; JANUARY; FEBRUARY; MARCH. It is pleasing to Us.

- Faculties and Indulgences for Missions to be held by the Brothers of the Order of Friars Minor of St. Francis in Latin America, 19 Sacred Edifices.

- The Church of St. Lawrence in the village of "Buia" in the archdiocese of Udine is erected into an Archpriestal Church, "Tempia Dei."

- The Church of St. Trophimus, Virgin and Martyr, in the town of Minor is raised to the dignity of a Minor Basilica, 20 "Tempia Dei."

- The title of Minor Basilica is granted to the parish church of the place commonly called "Neuvy Saiht-Sépulchre" in the archdiocese of Bourges. "Quod redempti."

- To the Regular Province of the Holy Cross in 11 churches and chapels in Saxony of the Order of Friars Minor, a plenary indulgence is granted each year on the feast days of the Exaltation and the Finding of the Holy Cross. "Benigna Mater."

- The law of abstinence is relaxed for the faithful of the Kingdom of Scotland. 2 "Quoties animum."

- Concerning the purpose and end of prayers and works for the restoration of unity to the Church, presented by the principal Sulpician Sodality beyond Britain. "Ecclesiarum."

- The Apostolic Vicariate of Erythrea is erected. "Perinsignis."

- Special concessions are granted for votive Masses celebrated in the Patriarchal Basilica of St. Mary of the Angels in Porziuncula. 11 "Gravi iamdiu."

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- The priests Arnold Harris, Mathew Herbert, Ignatius Beale, and Arthur William Howarth are expressly excommunicated. 15 "Traditum a Romanis."

- The Church of the Blessed Virgin, commonly called "dei Pilastrello," near Lendinara in the diocese of Atri, is raised to the dignity of a Minor Basilica. 20 "Dilectus filius."

- An Archiconfraternity is erected with the faculty of aggregation in the territory of Mexico. "Refert ad Nos."

- The feast of St. Othmar, Abbot, is permitted to be celebrated only in the choir in the parish of St. Gall. "Quum nostrum."

- A perpetual partial indulgence is granted to 25 members of the Archisodality of the Infant Jesus throughout the world. "Quae Catholico."

- A new Apostolic Vicariate of Carolina and Mariana is erected. "Ex hac."

- A new Apostolic Vicariate of the island of Guam is erected. 10 "Refert ad Nos."

- Perpetual indulgences are granted to the Antonian Youth Sodality throughout the world. 27 "Pias fidelium."

- For the Archisodality of "The Holy Hour" in the diocese of Autun, it is extended to...

[*Latin ed. p. 677*]

In chronological order. YEAR I, MONTH OF APRIL, DAY 19, 1911.

April 8, 11, 12. May 2, 2, 20. June 10, 19, 30.

The faculty of aggregating Societies of the same title and institute throughout the world, already granted to the same Society for France and Belgium, is extended to the Most Holy.

- The Church of St. Dominic the Confessor, in Corduba, in the Republic of Argentina, is erected into a minor Basilica, known as Bivi.

- The Church of the Abbey of Pontida is erected into a minor Basilica, for more abundant [spiritual] fruit.

- A new Apostolic Vicariate is established in the Korean region called "Tai-kou." Venerable Brother.

- The Sodality of St. Barbara, V.M., established in the parish church of "Plaimpied," within the boundaries of the Bituricensis diocese, is erected into an Archisodality with the faculty of aggregating throughout all of France. Not without great [benefit].

- The erection of a new Apostolic Vicariate, Scen-Si, northern. With great [joy].

- The Apostolic Prefecture of "Ho-Nan" Occidental is erected into an Apostolic Vicariate. Pious Association.

- The Superior General of the Congregation of Jesus and Mary is elected "for all time, the supreme Moderator of the Society of the Most Admirable

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Heart of Mary." Nothing is more noble.

- A greater indulgence is granted to those who devoutly recite the invocation "Jesus, my mercy" or another, "O Jesus, in the Most Holy Sacrament, have mercy on us," within those sacred places.

- The royal church, erected in Naples to St. James the Apostle, is raised to the dignity of a minor Basilica. We have learned this with great [pleasure].

- The Society of Children of the Most Holy Sacrament, founded in Rome, in the Basilica of the Twelve Apostles, is erected into a primary [institution].

• Roman Pontiffs.

- The constitution regarding fasting and abstinence, to be observed in Dalmatia, is established. This salutary [practice].

- A perpetual plenary indulgence is granted throughout the world for the Catholic international association under the patronage of young girls. Notable temples of God.

- The Shrine of the Most Holy Virgin Mary, assumed into heaven, in the town of "Gandino," in the Bergomensis diocese, is adorned with the title of minor Basilica.

• By natural [apostolic] fruit.

- The Archisodality of the Most Holy Mass Reparatrice, erected in Prague, is limited to Moravia, Silesia, and Bohemia; a new Archisodality of the same name is erected in Austria for the faithful who use the German language. In the temple.

- The Confraternity of the Most Holy Mass Reparatrice in the church of the Holy Cross, commonly called "of the Lucchesi," in the city, 677.

[*Latin ed. p. 678*]

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678. DAY I, MONTH I, YEAR 1911. July 13. An Archiconfraternity is established with the faculty of aggregation. In the year of its restoration.

- The Church of Augsburg in Piedmont, dedicated to the Virgin Mary, Help of Christians, is raised to the status of a Minor Basilica.

- The Society of Our Lady of the Most Sacred Heart of Jesus, founded in Bogota, is raised to the status of a primary society with the faculty of aggregation throughout the entire Colombian Catholic territory.

- The Apostolic Prefecture of the Ivory Coast is divided, and a new Apostolic Vicariate is established.

PAGES: 409, 410, 651, 652.

V. LETTERS.

1910. October 20. November 14. Most Reverend Fathers.

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- To Joseph M. Cardinal Martin de Herrera y de la Iglesia, Archbishop of Compostela, for the letters of obedience and devotion presented to the Most Blessed Father, a most heartfelt expression of gratitude.

- To the Most Reverend Father Franciscus de Bettinger, Archbishop of Munich and Freising, and to the other Archbishops and Bishops of Bavaria, for the filial veneration and obedience shown by them, as they are about to begin their episcopal duties, presented to the Most Blessed Father in writing. A time of great trials.

- To the Most Reverend Father Eduardus Pulciano, Archbishop of Genoa, and to the other Bishops of Liguria, for the expression of veneration offered to the Most Blessed Father, on the occasion of the annual episcopal convocation, by the Catholics of Canada.

- To the Most Reverend Father Paulus Brucnesi, Archbishop of Mariupol, concerning the recent Eucharistic Congress of Canadian Catholics held in Mariupol.

...

- To the Most Reverend Father Felix Augustum Béguinot, Bishop of Nîmes, Uzès, and Alès, celebrating the completion of fifty years of priesthood. An example of outstanding piety.

- To the Most Reverend Henry Fitzalan-Howard, Duke of Norfolk, for the church erected in the town of Norwich, built with his piety and generosity. With the utmost diligence.

- To Anthony Cardinal Fischer, Archbishop of Cologne, concerning the Eucharistic celebration solemnly observed by the faithful of Cologne. In this regard.

- To the Archbishop and Bishops of the Province of Rouen, concerning the matter of admitting children to the Holy Communion.

PAGES: 11, 12, 13, 13, 15, 61, 15, 16.

[*Latin ed. p. 679*]

In chronological order. YEAR MONTH DAY 1910 Nov. Dec. 1911 Jan. Among Catholics. - To the Count William of Hoensbroech, Knight Grand Officer of Merit of Malta, President of the Order of Knights throughout the Rhine and Westphalia Provinces, 23 of us. - To His Eminence Cardinal Claudius Vaszary, Archbishop of Strigonium, and to the other Archbishops of Hungary, as a demonstration of reverence, a letter was presented by them to the Most Blessed Father, assembled in Budapest, for consideration. - To the Reverend Father Alfred, titular Bishop of Archis, Apostolic Administrator of the Diocese of Lucania, 30 days hence. - To the Most Reverend Fathers, Alexander Christie, Archbishop of Oregon, and to the other Bishops of the Province of Oregon, who have demonstrated great piety to

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the Most Blessed Father through letters, signifying their piety. - To the most illustrious man, Count Alphonsus Mensdorff-Poully, President of the Viennese sodality of Saint Michael the Archangel, and to the other Michaelian members, who have offered a sign of their piety to the Most Blessed Father, 12 of us. - To the most illustrious man, Count William Verspeyen, on the occasion of the fiftieth anniversary of his work in founding the Ghent newspaper entitled "Le bien public," recently in Ghent. - To His Eminence Joachim Cardinal Arco, Verde de Albuquerque Cavalcanti, Archbishop of Saint Sebastian of Rio de Janeiro, and to the other Archbishops and Bishops of Brazil who attended the gathering of the Patriarch of Paulopolis, 24 of us. - To James Cardinal Gibbons, Archbishop of Baltimore, for the letters full of obedience and reverence presented to the Most Blessed Father, also on behalf of the other prelates of America, reverently sent from Washington. From this. - Regarding a certain published writing that is disapproved of concerning the question of restoring Churches to Catholic unity. Which, in your name. - To Anthony Cardinal Fischer, Archbishop of Cologne, concerning this. - To Anthony Joseph Cardinal Gruscha, Archbishop of Vienna, and to the other Archbishops and Bishops of the Austrian jurisdiction, not insignificantly. - To Anselm, Archbishop of Acerenza and Matera, 679 page 15, 17, 61.

[*Latin ed. p. 680*]

Index of documents, year 1911, month of January, on the 16th day; February, on the 16th day; March, on the 10th day; April, on the 30th day. Received these days:

To the esteemed son, Master Demimuid, Apostolic Prothonotary, Supreme Moderator of the Parisian assembly of the Holy Childhood. We have received a most wondrous [missive].

To the esteemed son, Father Galon, President of the Association of St. Vincent de Paul, founded by St. Benedict.

To the esteemed religious, Father Mauro Serafini, Abbot General of the Cassinensis Congregation of the Order of St. Benedict, of the observant rite. [Further details omitted].

Regarding a document recently presented.

To Mr. Franciscus Eichert and other members of the "Gralbund" society. At this time.

To the Venerable Brothers, Charles, Archbishop of Firmo, and other Bishops of the Picena region. With great pleasure.

To the esteemed son, John, titular of the Holy Martyrs Vitalis, Gervasius, and Protasus, His Holiness, Cardinal Puzyna de Kozielsko, Bishop of Cracow. Greetings.

To His Most Excellent Highness, Luitpold, Regent of the Kingdom of Bavaria, happily completing his ninetieth year of life. From this place.

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To the Reverend Father, John Baptist Correa, Bishop of Campinas, on the occasion of the twenty-fifth anniversary of his priesthood, and for the purpose of celebrating the first Catholic congress in the Campinas diocese. Our best wishes.

To the Reverend Father, Anthony Mende s Bello, Patriarch of Olyssipones, and other Archbishops and Bishops of Lusitania, for the purpose of congratulating them on their common letter to the people of Lusitania. Very pleasing.

To the Reverend Fathers, Doctors, and the President of the Pontifical Biblical Institute, regarding the progress of studies within that Institute. We have read the letters.

To Louis Joseph, Cardinal of Luçon, Archbishop of Rheims, therefore, on the occasion of the feast of St. Joseph, reverently presented to the Most Blessed Father. How pleasing to us.

To the Most August and Serene Prince, William II, King of Württemberg, celebrating the twenty-fifth anniversary of his marriage. Hence, we write.

To the Reverend Father, Charles Grannan, who with remarkable dedication works to aid and promote the Urban College of Latin America, so that good priests may be established in the churches of America. Indeed, much.

To the Reverend Father, Joseph Boubée, of the Society of Jesus, General Moderator of the "Apostleship of Prayer." With great diligence.

To the Reverend Fathers, Archbishops and Bishops of Bavaria, assembled in Freising.

[*Latin ed. p. 681*]

In chronological order. YEAR I, MONTH I, DAY 1911. April, May, June, July: Regarding consultations on important matters to be addressed together, and especially concerning the Christian education of children in schools, with fruitful results.

To the Moderator of the Congregation of 30 priests from the community of Santa Maria Tinchebray, celebrating the sixtieth anniversary of its founding, in the middle of the year.

To the Reverend Father Joseph Torras y Bages, Bishop of Vich, as a token of gratitude for his pastoral letter "Dios y el César" (God and Caesar), due to a special relationship.

To the Reverend Father Andrew Hyacinth Longhin, Bishop of Tarvisium. We gladly received it.

To Your Eminence James, Cardinal Gibbons, Archbishop of Baltimore, celebrating the fiftieth anniversary of his priesthood and the twenty-fifth anniversary since he was adorned with the Sacred Purple, 15th meeting.

To the Most Reverend Archbishops and Bishops of France, on the occasion of the second meeting for the advancement of diocesan missions. We

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shall attend shortly.

To Your Eminence Gregory, Cardinal Aguirre, Archbishop of Toledo, concerning the celebration of the Eucharistic congress in Madrid. This pleases the Catholic hierarchy.

To Your Eminence Joachim, Cardinal Arcoverde Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, and other Archbishops and Bishops of Brazil, regarding the progress of the Catholic cause in Brazil after the establishment of the hierarchy, and concerning the provisions by which pastors of souls may better serve in the sacred ministry. 10 As is your custom.

To Your Eminence Julius, Cardinal Boschi, Archbishop of Ferrara, Bishop of Comacchio, and other Venerable Archbishops and Bishops of the region of Emilia. This delighted Us.

To the Reverend Father Frederick Fuzet, Archbishop of Rouen, regarding the erection of the public monument to Blessed Joan of Arc. 11 We gladly received it from you.

To the Reverend Father Diomedes Falconio, titular Archbishop of Larissa, Apostolic Delegate in the United States of America, regarding the preservation of peace. 25 With the sweetest joy.

To the Reverend Father John M. Farley, Archbishop of New York, regarding the filial devotion shown through letters. This is of great value.

To Your Eminence Andrew Cardinal Ferrari, Archbishop of Milan, and the Bishops of the province. 681

[*Latin ed. p. 682*]

682 Index of documents. YEAR! MONTH DAY 191Í. July 10. 30 September. October. 10 November. Concerning ecclesiastical affairs of the Mediolanensis province, regarding the annual episcopal conferences held at Rho. To us. - To Your Eminence, Gregory Mariam, Most Reverend Cardinal Aguirre, Archbishop of Toletanum. We received the Mass from you. - To the Most Reverend Archbishops and Bishops of Canada, after the successful conclusion of the Plenary Council, concerning the five hundredth anniversary. To the distinguished gentlemen Balfour of Burleigh, Rosebery, James Donaldson, administrators of the University of St Andrews in Scotia, regarding the solemnities for the five hundredth anniversary from the founding of the University. We rejoice in both. - To Adam Joseph Schmitt, president of the Catholic men's association of Moguntia, concerning the preparation of the Goerresian Society. - To the Reverend Father Stephen Elises, Apostolic Protonotary, having received the fifth volume of the work by the Goerresian Society illustrating the Council of Trent. To you, indeed. - To the Reverend Father, Patriarch, and Archbishops and Bishops of the Armenian Catholic nation, concerning the national Synod to be held in Rome. We have received. - To the Reverend

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Father Edward Likowski, Bishop titular of Aureliopolis, in place of the sacred Antistite of Posnaniensem, completing ten years of priesthood. Because it is fitting. - To the Reverend Aloysius Talamoni, professor at the Modoetiensi Seminary, for the exemplary volume "Sunto di Storia Politica, terza edizione," most reverently presented to the Most Blessed Father. We give you thanks. - To the Most Reverend Archbishops and Bishops of Helvetia, congratulating them on matters commonly reported. They have fulfilled our desires. - To Your Eminence, Marian Card. Rampolla, patron of the pious society of St. Cecilia, after the first year since the founding of the higher school of sacred music, due to the efforts of the same society, in Rome. VI. - ADDRESSES. It is pleasing indeed. - Given in the Consistory. We thank you. - Given on the occasion of the imposition of the biretta on the new Cardinals.

[*Latin ed. p. 683*]

In chronological order. YEAR MONTH 683 PAGE DAY II. - ACTS OF THE SACRED CONGREGATIONS I. - SACRED CONGREGATION OF THE HOLY OFFICE. 1910 December 15. Decree concerning Absolution or Papal Benediction. » » 16 Concerning sacred metallic coins, at the discretion of the faithful, for sacred scapulars made of cloth. 22 22 24 » » 1911 January 26 » March » May Concerning the useful time period for establishing a Church or Oratory for gaining Indulgences. 31 Decree concerning marriages of those born of non-Catholic or unbelieving parents, but baptized in the Catholic Church, who, from infancy, have lived in heresy or unbelief, or without any religion. 26 • Concerning the Indulgence at Portiunculae, which is called. » September 7. The Sodality of the Most Holy Redeemer with new Indulgences. » » 12 Healing in favor of the Confraternity of the Seven Sorrows. 64 163 233 476 478 II. - SACRED CONSISTORY CONGREGATION. 1910 December. » » » » » 1911 February. » » 10 17 Erection of the diocese of Montes Claros in Brazil. . . . Declarations concerning the oath, from the Motu proprio "Sa- 22 29 11 Concerning the alteration of boundaries (Friburg, and others). . . » » (Passau and Ratisbon). ROMA. Concerning competence in ecclesiastical laws. 26 25 64 65 99 133 134 » March » » 28 1 24 » April 28 Doubts concerning the course of studies to be completed and the oath to be taken before Holy Orders. . . . Declaration concerning the Decree concerning the keeping of secrets in the Erection of the Nullius Prefecture of the Most Holy Conception. » July 18 Erection of the diocese of Des Moines. Alteration of the boundaries of the diocese of Ratisbon and Bamberg. » September 1 Regarding knowledge. - Circular to the Ordinaries of Italy concerning "The History of the Ancient Church" by Monsignor Luigi Du-. » November 27. Acts of the Consistory, as published by the

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Consistory itself on that day. 181 182 478 479 » 568 590

[*Latin ed. p. 684*]

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30. Declaration concerning the faculty of dispensing priests from irregularity. Acts of the Consistory, as published by the Consistory itself. ROMA. 111.

- SACRED CONGREGATION FOR THE DISCIPLINE OF THE SACRAMENTS.

1910 1911

December. March 16. 6. MOHILOVIEN. Concerning the presumed death of a spouse. Repeatedly discussed.

- Instruction to Ordinaries concerning the free state and the denunciation of marriage. VENETIA.

Concerning the proofs of marriage. IV.

- SACRED CONGREGATION OF THE COUNCIL.

1910. November 10. December. 1911. March 17. 26. 14. April 29. August. September 8. 18.

To the Most Reverend Father Joseph Bilczewski, Archbishop of Leopolis (Lemberg), of the Latin Rite. REGEN.

Concerning the rights of Saint James of Chile and others. Concerning abstinence.

Decree whereby the Apostolic Constitution "Romanos Pontifices" is extended to all provinces of the Canadian dominion. LAUSANNE.

Interpretation of the will. AURIEN.

Doubts concerning the law of abstinence and fasting. After the law.

- CARCASSONNE.

Concerning the collection of alms in parishes of the jurisdiction of NULLIUS or of the Territorial Abbey of Montecassino.

Concerning the care of souls. ROMA and others.

Concerning the recently suppressed feasts.

Doubt concerning the vigils of the suppressed feasts. Motu Proprio of July 2, 1911. V.

- SACRED CONGREGATION FOR RELIGIOUS.

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1911. January 1. May 16. 24. June. October 15. 30. 23.

The Holy Church of God.

- Decree concerning the Laity of Religious Orders.

Among other things.

- Decree concerning Religious subject to military service.

When each [individual].

- Decree concerning the method to be observed in carrying out the sentence of expulsion or dismissal from Orders and Religious Institutes.

Decree concerning the jurisdiction of the Ordinaries of Hispaniae over Religious expelled from monasteries, and in monasteries of nuns.

Doubts concerning manuscripts of Religious to be printed.

Aggregatio Ursulinarum to the Third Order of Franciscans.

Decree whereby the General Superiors of the Order of Friars Minor are constituted.

Letter to the Most Reverend Father Bernard Joseph Döbbing, O.M., Bishop of Sutri and Nepi, concerning the Motu Proprio "Quo magis," concerning the attached Decree, and concerning the election of Father Ludovicus Schüler as Archbishop, to be communicated to the family of the Minorites.

[*Latin ed. p. 685*]

In chronological order. 685. ON THE FIRST DAY OF THE MONTH OF JUNE. - HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. December. February 14th. April. June 30th. July. August. Decree concerning the erection of the new Apostolic Prefecture of Transvallia Septentrionalis. Decree by which the mission of Linzolo is transferred to the jurisdiction of the Vicariate of Ubangi, or Upper Congo. Decree by which the boundaries of the Apostolic Prefecture of Ubangi-Chari are defined. Decree by which the Apostolic Prefecture of Ubangi Belgico is erected. Decree by which the boundaries of the Apostolic Vicariate of Upper Congo are renewed towards the east and south. Decree concerning the erection of the Apostolic Prefecture of Sumatra. Decree concerning the erection of the new Apostolic Prefecture of Katanga Septentrionalis in the Belgian Congo. Decree concerning the erection of the new Apostolic Prefecture of Matadi in the Belgian Congo. Erection of the Apostolic Prefecture of Eastern Nigeria. VII. - HOLY CONGREGATION OF THE INDEX. January. May. June 2. 8. 12. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works are prohibited. Decree by which certain works

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[*Latin ed. p. 686*]

686 Index documentorum I PAGE. YEAR 1, MONTH 1, DAY 1, 1911. MARCH. MAY 23, ATREBATIS. Concerning the beginnings of the Epistles of the Blessed Apostle Paul, 3, 11, 17, 24, 27, 31. June 8, 14. July 12, 19, 24. The ninth reading on the feast of St. John before the Porta Latina, the Hymn at the proper hour, hindered; the verse "Ora pro nobis" on the feast of St. Elizabeth, and the conclusion of certain prayers... Regarding the decree concerning the reposition and translation of feasts in particular churches. Doubts concerning the sound of the organ to aid in the singing of Gregorian chant, and the formula of the Apostolic Benediction to be imparted at the end of sermons. Repeatedly by the Sacred Congregation. Regarding the decrees concerning the editions of the books pertaining to the Sacred Liturgy. Decree concerning the interpretation of the Motu Proprio "Inter multiplices." WESTMONASTER. Doubts concerning the exposition and benediction of the Most Holy Sacrament. BAYONNE. Various doubts. QUINQUE ECCLESIARUM. Concerning the custom of performing the absolution for the dead at the tomb on Sundays and feast days, after the Mass of the day. BAYONNE. New doubts. BAYONNE. Concerning the canonization of the Blessed John Eudes, Apostle Missionary and Founder of the Congregation of Jesus and Mary, and of the Order of the Most Holy Virgin of Charity. NAPLES. Concerning the confirmation of the cult rendered from time immemorial to the Servant of God, James Capoccio, of Viterbo, of the Order of the Eremites of St. Augustine, Archbishop of Naples, now called Blessed. ROME, or WESTMONASTER. Concerning the beatification and canonization of the Servant of God, Father Dominic of Our Lady, a professed priest of the Congregation of Clerics Regular of the Holy Cross and Passion of Our Lord Jesus Christ. VIVARIE. Concerning the decree of beatification or declaration of martyrdom of James Sales and William Saltamochie of the Society of Jesus. QUEBEC. Concerning the decree of beatification and canonization of the Venerable Servant of God, Sister Mary of the Incarnation, Foundress of the Ursuline monastery in the city of Quebec. PARIS. Concerning the decree of beatification and canonization of the Venerable Servant of God, Louise de Marillac, widow Le Gras, Foundress of the Congregation of the Daughters of Charity, promulgated by Motu Proprio. ROME and the WHOLE WORLD. Concerning the feasts translated to Sunday by Motu Proprio "Supremi disciplinae," pages 136, 201, 241, 242,

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317, 279, 281, 317, 319, 320, 394, 350.

[*Latin ed. p. 687*]

687. In chronological order, arranged. YEAR MONTH DAY 1911 July 28 » » » » » August 7 6 » November 17 » » 24 PAGE. Decree concerning the Motu Proprio "Supremi Disciplinae." Doubt. Concerning electric lamps in the exposition. Doubt. Concerning the feast of the Nativity of Saint John the Baptist. ROME or VENICE. Decree of confirmation of the cult rendered from time immemorial to the Servant of God, Bonaventure Tornielli, professed priest of the Order of the Servants of the Blessed Virgin Mary, now Blessed. Doubts. Concerning the octave of the solemn commemoration.

352 396 397 659 611 661 III. - TRIBUNALS. I. - SACRED ROMAN ROTA. 1910 1911 December January 23 4 MELEVITANA. Nullity of marriage (Lapira-Darmanin). » » 12 MASSILIEN. Edictal citation. Nullity of marriage (Plan- » » DIVIONEN. Nullity of marriage (Türk-Jallu). . . . MASSILIEN. Judicial deposits 70 Several final sentences published in secret, transmitted 44 » » » April 20 25 16 24 4 13 20 23 24 29 » May 10 VERSALIEN. Edictal citation. Nullity of marriage (Bru- ». RAVENNATEN. Nullity of marriage (Pasolini-Montague) » June » » 15 1 10 » » 13 PARISIEN. Nullity of marriage (Du Breuil de St-Ger- » » 14 23 1 7 21 22 25 1 IACIEN. Right to lead the procession. CAMERACEN. Nullity of marriage (Cordier-Nicolle). MASSILIEN. Nullity of marriage (Raulier-Planchut). TUNKINEN. Nullity of marriage (Tien-Canh). . . . » » » February » » » March » » » » » » PARISIEN. Nullity of marriage (Eobine-Berton). . . VERCELLEN. Nullity of marriage (Ardizzone-Balbis). PARISIEN. Nullity of marriage (Bottner-Smith). . 46 284 107 140 146 202 166 244 413 324 PANAMEN. Edictal citation. Nullity of marriage (Por212 253 483 428 PATRIARCHATE OF THE GREEK-CATHOLIC RITE IN EGYPT. 438 » » » July » » » » » » » » » August. SALISBURGEN. Diminution of the parochial benefice. . 398 450 497 525 661 456 611 531 572

[*Latin ed. p. 688*]

688 Index documentorum ANNO I MENSE I DIE 1911 Septembris. Citatio edictalis. De nullitate matrimonii (Pasolini-Montague) RAVENNATEN. II. - SIGNATURA APOSTOLICA. 1910 1911 » » » Decembre. Ianuari. Februarius. Iunii » » Iulii NEAPOLITANA. De restitutione in integrum et iuribus 27 3 21 27 30 16. Sententiae nonnullae PHAREN. De iuribus et poenis ROMANA seu SALERNITANA. De refectione damnorum. . SEGUSINA. De iuribus et restitutione in integrum. . . NOVARIEN. De refectione damnorum ARIMINEN. De pensione. . IV. - OFFICIA. SECRETARIA STATUS Ex AUDIENTIA SANCTISSIMI. Decembre 13. Declaratio authentica circa Indultum de abstinentia et ieiunio pro America Latina per Secretariam Status editum die 1 Ianuarii 1910. EPISTOLAE. 1910 1911 Ad Reverendissimos Dominos Callixtum Gonzales et Aloisium

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Anicetum Ochoa, moderatores sodalitatis Tertii Ordinis Franciscanum in urbe Sancti Iacobi de Venezuela constitatae, ob epistolam venerationis plenam, septimo recurrente anno a condita supradicta sodalitate, Beatissimo Patri inscriptam. Ad Reverendissimum Patrem Dominum Ioannem Sol de villa y Romero, Archiepiscopum Caesaraugustanum, qui Sanctitati Suae exemplar actorum Concilii Caesaraugustae habiti, una cum Petriana stipe, reverenter obtulit. . . Ad perillustres viros Comitem Ch. de Hemricourt de Grunne, Marchionem Imperialem, Baronem de Dieudonné de Corbeek-Over-Loo, ob volumen quod inscribitur Vingt-cinq années de gouvernement - Le Parti catholique Belge et son œuvre, Beatissimo Patri obsequii gratia exhibitum 10. Ad Reverendissimum Patrem Dominum Ioannem Baptistam Castro, Caracensem Archiepiscopum, ob singularis pietatis et obsequii specimen, ceterorum quoque nomine Venezuelanae provinciae Antistitum, Beatissimo Patri per litteras praebitum. Ad Reverendissimum Patrem Dominum Franciscum Bourne, Archiepiscopum Westmonasteriensium 18, ob litteras per eundem Sanctitati 19 Ianuarii.

[*Latin ed. p. 689*]

In chronological order. YEAR PAGE MONTH DAY 1911 January February March April July September ACTS, Presented to His Holiness by the society known in English as "The Catholic Missionary Society." 18 To the Most Reverend Doctor Joseph Altenweisel, Bishop of Brixen, as a token of filial devotion, offered by the entire diocese to the Most Blessed Father. 23 To Mary T. Ledóchowska, Countess, General Superior of the Society named after Saint Peter Claver, for volumes reverently presented to the Most Blessed Father. To the Reverend Canon Lecigne, for two volumes of the work written in French, "From Devotion to Action," offered to the Most Blessed Father as a sign of obedience. 10 To George Cardinal Kopp, Bishop of Breslau, for a declaration published by the faculty of sacred disciplines at the civil university of Breslau concerning the oath against the errors of the Modernists. 12 To the most illustrious Henry Lucian Brun, President of the society dedicated to studies in history and literature, for a letter given to the Most Blessed Father with the greatest reverence. 15 To Stanislaus Medolago-Albani, Count, President of the Economic-Social Union for Catholics in Italy, concerning the new constitutions of the same union. To the Reverend Doctor Villien, Professor at the Catholic Institute in Paris, for a copy of the work entitled: "The New Liturgical Year," reverently presented to the Most Blessed Father. 29 To the Reverend Thomas, parish priest of the church of "Notre-Dame" in the city of Dijon, for three volumes concerning the Concordat of the year 1516 between Pope Leo X and King Francis I of France, offered to the Holy Father as a sign of veneration. To the Most Reverend Doctor Julius Marin Marbeau, Bishop of Meaux, for the inauguration in the Meaux Cathedral of a monument dedicated to the memory of J. Bossuet. One of the topics: To the Ordinaries of Italy, concern-

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ing workers from Italy who migrate to foreign nations. 11 To the Reverend Doctor Remes, parish priest of Saint Nicholas in the city of Brussels, for the seventy-fifth anniversary since the founding in that city of the General Work of Catechism among the Ladies of Perpetual Adoration. To the Most Reverend Doctor John Baptist Nasalli-Roçca, Bishop of Eugubine, as a sign of veneration to the Most Blessed Father, presented in writing after the diocesan synod. Volume III, number 18. 30-1-2-911. III 112 151 152 87 153 154 173 405 513 579 580 47

[*Latin ed. p. 690*]

690 Index documentorum ANNO I MENSE 1911 I DIE Sept. ! 30 Oct. 10

To the Count Stanislaus Medolago-Albani, presented to the Most Blessed Father by the auditors of the social school of Bergamo, out of respect.

To the Reverend Father Franciscus Leonem Gauthey, Archbishop of Bisuntinum, presented to the Most Blessed Father, out of respect, concerning the acts of the Diocesan Synod.

. . . .

V. - COMMISSIO DE RE BIBLICA.

January 12

May 24

June 19

Regarding the examination of candidates for academic degrees in Holy Scripture.

Regarding the examination of candidates for academic degrees in Holy Scripture.

Part II.

Concerning the author, the time of composition, and the historical truth of the Gospel according to Matthew.

. . . .

[*Latin ed. p. 691*]

III. ANALYTICAL INDEX OF NOTABLE MATTERS:

1. A General Absolution granted to Tertiaries for certain days can be received from any approved confessor, should the one authorized to grant it be absent, 22.

2. Abstinence is dispensed with when a feast of precept is to be observed, 306, or a patronal feast, which is solemnly celebrated, 307; during the vigils of suppressed feasts, it must be observed where it had previously been observed by vow or precept, 480; for the faithful of Scotland, outside of

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Lent, it is dispensed with on the four Saturdays of the year, and on those vigils which immediately precede or follow any day of abstinence, 58.

3. For the faithful of Dalmatia, the law of fasting and abstinence already established for Italy is extended, with certain exceptions (see below, Fasting), 361.

4. For South America and the Philippine Islands, only Ash Wednesday, the Fridays of Lent, Holy Thursday, and the vigils of the Nativity of the Lord, Pentecost, the Assumption of the Blessed Virgin Mary, and the feasts of the Apostles Peter and Paul, must be observed, 184.

5. The Catholic Social Action in Brazil should be based on the encyclicals of Pope Leo XIII, the Motu Proprio of Pope Pius X for regulating Christian popular action, and especially on this encyclical, "Il fermo proposito," addressed to the Bishops of Italy, 312.

6. The diocese of Adamantina is being divided to create the new diocese of Montesclaros, 26.

7. An entrance giving rise to a right of jurisdiction is not an entrance to a farm or village, but a house built within it, 462 and following.

8. Adoption depends on civil laws, 441; the difference between adoption and legal guardianship, 443.

9. Nocturnal Adoration: The Archsodalitas arose from nocturnal adoration of the Blessed Sacrament in the form of forty hours of exposition during the captivity of Pope Pius VII under Napoleon in the Church of St. Mary in via Lata, 5; by the same Pius, after his return, it was canonically established, 6; now, while celebrating its centennial, it is granted special indulgences, 6.

10. Perpetual Adoration: The Archsodalitas, under the patronage of St. Benedict, was established in the abbatial church of Laibach, and is granted the faculty to incorporate other sodalities of the same name and purpose throughout the world, 93; the community of Perpetual Adoration in Brussels, on the occasion of its 75th anniversary, is praised in a letter by the General Council for its work, 579; for Spain, it is commended, 314.

11. Adoption can only be carried out with the authority of the Prince, from an impotent person to a generation, 443, and with the consent of the guardian for adoption, 444.

12. The superiors of the region of Emilia receive a letter regarding the meeting held this year in Ferneres, in which the Supreme Pontiff congratulates them on the fraternal charity among them, their unity with the Apostolic See, and the good outcome of the meeting, 315.

13. The boundaries of the Apostolic Vicariate of Central Africa or the Sudan are defined, 104.

14. Cardinal Gregory Aguirre, Archbishop of Toledo, receives letters regarding the Eucharistic group being celebrated in Madrid, which he

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must preside over, by virtue of his office as Apostolic Legate, in which the Supreme Pontiff...

[*Latin ed. p. 692*]

692 Index analyticus rerum notabilium. The Holy Father expresses his gratitude for the great devotion, and gives certain instructions regarding the cult of the Divine Eucharist: By Decree of the Holy Congregation of the Consistory of the Holy Eucharist, the feast day of August 20, 1910, entitled "Maxima cura," this same assembly received a letter from the Most Reverend Archbishop of Anglia, in which he expresses his primacy for the excellent outcome and the nocturnal vigils held for the Lord in the church of "Escurial," 365. Albert (Saint) of Pontigny: Regarding his relics, the ancient glories of the Church of Anglia, founded by him, are commended, 553; the Holy Father rejoices in the news of the new order of the hierarchy, by which, besides Westminster, two ecclesiastical provinces are established, namely Birmingham and Liverpool, 553. The year is a sorrowful one for the Church, 585; old injuries are recalled by new ones, 586; laws in the Kingdom of Hispania are enacted to oppress the Catholic religion, 587; the Patriarch and the clergy are commended for their steadfastness and unity with the Apostolic See, 587; the youth of the Antonian Order; the Sodality for Young People instituted by the Brothers, which has achieved great progress, is commended, and, with certain statutes, the cult of the Most Holy Sacrament is increased, 587; it is endowed with indulgences, 128. Hispania is praised together with its King for the Eucharistic gathering held in Matriti, 587; and the Church is threatened by laws, 587; new Apostleships of prayer are established: Father Joseph Boubée, S.J., general moderator, receives a letter in which the Holy Father praises the sodality and commends the "Nuntius Sacri Cordis Iesu" publication, 345. Altenweisel, Joseph, Bishop of Brixen, is praised for the filial devotion shown to the Holy Father, and for the public injury suffered by him from the Roman Magistracy, 112. Archiconfraternity, see Archisodalitas. The Archiconfraternity for nocturnal adoration, established in the church of Saint Trofimus in the town of "Minori," is raised to the rank of a minor basilica, 10. The Archiconfraternity for perpetual adoration, established in the abbatial church of Labacensis, is granted privileges and indulgences, and other sodalities of the same name throughout the world are invited to join, 93. In America Latina: The Franciscan missions are endowed with indulgences and privileges, 7. - The Urban College in Austria is aided by the generosity of Catholics of America Septentrionalis, 180. America Septentrionalis: Dioceses of the United States of America are mentioned in the Decree "Maxima cura" regarding the removal from office and the granting of benefits, 133; also in the Decree "de secreto servando in designandis ad sedes episcopales," 182; Bishops express their gratitude for the letter sent to those gathered in Washington to the Holy Father on the occasion of the public injuries suffered by Him in

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the City, 98; honors are paid to the new Cardinals, 656. Archisodalitas ab Hora sancta, in sacello Monialium a Visitatione pagi vulgo «Pan

[*Latin ed. p. 693*]

693 Index analyticus rerum notabilium. The cloisters of the Praemonstratensian Order, through the Order's efforts, have been wonderfully spread, 342; in the abbatial church of Strahov, they are established, limited to Moravia, Silesia, and Bohemia, and a new one is established in the church of the Abbey of Plagensis (Schägl) in Austria for the faithful who speak the German language, 342; also, another is established in the city in the temple of the Holy Cross, commonly known as "de' Lucchesi," with the faculty of aggregating all Sodalities of the same name and institute throughout the world, 409; new indulgences are granted to it, 476. The English Association "The Catholic Missionary Society" is praised for the letters presented to the Supreme Pontiff, in which it declares its purpose of bringing back to the bosom of the Holy Mother Church those who are alienated from the faith, iii. The international Catholic Association is enriched with indulgences through the patronage of young girls, 341. The prelates of the Austrian jurisdiction receive a letter in which the Supreme Pontiff expresses his gratitude for the letters of love and duty filled with devotion received from them, gathered in Vienna, 20. To the same Archisodalitas of Our Lady of the Most Holy Heart, established in Bogota in honor of the injuries inflicted upon Her in the person of Jesus, indulgences are upon the injuries inflicted upon Her in the person of Jesus, indulgences are granted, and congratulations are offered for the acts of devotion and for the aggregation of other similar sodalities within the same group in Vienna, 651. The Archisodalitas of Saint Barbara, see Barbara. Arcoverde de Albuquerque Cavalcanti Joachim, Cardinal Archbishop of Saint Sebastian, of January, and other prelates of Brazil, ordinaries of the episcopal assembly to be held, receive letters in which the Supreme Pontiff congratulates them on the increase of the Catholic Faith, 261; and gives warnings about the distribution of larger benefits to the dioceses, the provision of priests, the proper ordering or the newly established seminaries, the care of foreigners from Europe, 262; the preaching of the Word of God to the people, the spreading of good works, the establishment of associations of charity, 263; and the proper instruction of young people, 264; - the same, and other Brazilian prelates, who attended the meeting in Paulistano, receive a letter in which the Supreme Pontiff reports the benefits conferred by the Apostolic See on Brazil, and rejoices in the foundation of the Church there, 310; and encourages the bishops to properly train the clergy, not only in piety, through spiritual exercises, but also in sciences, 311; and also encourages them to undertake the "Popular Christian Action" according to the aforementioned Apostolic Letters, and to acquire the best periodicals for the people, 313. Batiffol, Peter,

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his work is referred to in the Index, 41; he humbly submits himself, 200. The Patriarch of Armenia, and other prelates, receive letters in which the Supreme Pontiff remembers the benevolence of the Apostolic See towards the Armenian nation, 522; and convenes a national council to be held in Rome, 523. Bavaria: - Begens, having happily completed his ninetieth year, receives congratulatory letters from the Apostolic See, 161; - the prelates, about to begin the assembly of the ordinaries, receive letters of gratitude and veneration from the Supreme Pontiff, 479. The testimony of Baptism is absolutely required from those entering into marriage, if it has been received in any parish, 102. The Bambergensis diocese cedes the place commonly called "Hub" to the Ratisbonensis diocese, 479.

[*Latin ed. p. 694*]

694 Index analyticus rerum notabilium. To the Supreme Pontiff are presented, 12; also, Frisinmentorum, 47, and experiments of the same are praised, gathered together by Bishops, 296 (see Laurea, Prolytatus). Concerning the frequency of other groups and the cares of the Birmingham diocese in England, a Christian institution is erected, to which 264 churches are suffragan. The Clifton diocese, Menevia, Neo-Beale Herbert Ignatius, priest, Nomportensis, Plymouth, and Salopiensis, born excommunicated, 53, 553. Béguinot Felix Augustus, Bishop of Nemausen, the Bituricensis archdiocese, a new basilica is dedicated to Saint Lucian and Saint Alesien, and fifty priests are honored, receiving letters of commendation for having completed fifty years in the temple, namely, the parish of "Neuvy-Saint-Sépulchre," 56. The Society of Our Lady, praised for its end and its purpose, 265. Bello (Mendes) Anthony, Patriarch of Olissippone, is praised for his constancy and cohesion with the Apostolic See, which he demonstrates in the most favorable conditions of Lusitania, 587; together with other Lusitanian prelates, he receives a letter in which the Supreme Pontiff congratulates them on the common charity shown to him by those of Aemilia, and letters are given to the people of Lusitania, 228. Bossuet, Bishop of Meldensis, of notable memory, is praised for his doctrine and zeal, on the occasion of the inauguration of a monument dedicated to him, 405. Benediction: in the end of sermons, a plenary indulgence is granted, and the formula by which it should be given by those who have the faculty, 241; - nuptial, which can also be given separately from the celebration of marriage, whenever the solemnity of marriage is permitted, 281, but both spouses must be present, 281; - papal Sodalitates tertiariorum, granted to certain days, which any priest can receive to hear confessions, if he lacks one who would be able to administer it, 22; - it is consulted more frequently to give the Sacrament in Spain, 314. Brazil, see Arcoverde de Albuquerque. Benedict (Saint): An Archisodalitas is instituted for perpetual adoration under the patronage of Saint Benedict in the abbatial church of Labacensis, and Sodalitates of the same name and institute

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are to be gathered from all nations, 93. The same receives thanks from the Supreme Pontiff for the devotion, 112. Bergomensis school of social studies, its auditors are praised for the purity of doctrine and for their filial obedience to the Roman Pontiff, 315. Boschi Julius, Cardinal, Archbishop of Ferrarien, Bishop of Comaclen, receives a letter in which the Supreme Pontiff congratulates him on fraternal charity shown to him by others of Aemilia, 587; letters are exhibited to the people of Lusitania, 228. Bruges Paulus, Archbishop of Marianopolitana, receives letters in which the Supreme Pontiff congratulates him on the Marianopolitan Eucharistic congress, 13. Biblical Commission, see Commission. The Pontifical Biblical Institute, prelates and doctors receive a letter in which the Supreme Pontiff congratulates them on the growth of the institute, 230; he commands that all students and auditors be subjected to examinations each year, and that a testimony of the experiments properly performed be given to them, 231; - a ratio of the danger is submitted, 42. Buonaiuti Ernestus, priest, his certain work is referred to in the Index, 42; he humbly submits a report.

[*Latin ed. p. 695*]

Index analyticus rerum notabilium. G95 The liturgical laws currently in force must be sung entirely without accompanying instruments, 241. James Capoccius (B.), born in Viterbo, is admitted among the solitaries of Saint Augustine, receives Cecilia (from the Pia Societas a S.) for studies in Paris, where he is ordained a priest and obtains honors and a doctorate in sacred music, theology, and other disciplines, both in Paris and at the Council of Caesaraugusta; his acts are praised in Naples; the Archbishop of Benevento is appointed; he is transferred to the See of Naples, 319; he writes several books on philosophy, 84. Cassius Joseph (of Venice) is called to the Consistory, 600; he rests in peace in the year 1308. His cult increases, both publicly and privately; a cause is instituted in Viterbo, Benevento, and then by the Congregation of Rites, which decides to confirm the cult, 320. F. Colon, president of the association of Saint Vincent de Paul, receives a letter in which the Supreme Pontiff congratulates him on the works of the Society and thanks him for the letters and the Peterian stipend presented to him, 130. The diocese of Campinas: the Supreme Pontiff congratulates him on the celebration of the first Catholic congress, 161. Canada is subject to the Constitution "Romani Pontifices" promulgated on May 6, 1881, for England and Scotland, 183; the Canadian bishops receive letters in which the Supreme Pontiff thanks them for the mass offered for the islands of Carolina, Guam having been approved, and all are constituted in the new Apostolic Vicariate of Mariana and Caroline, which is dedicated to the Minor Capuchins, 125. The Holy See commends the Benedictines of Monte Cassino in letters for their missions among the Indians of America, in Australia to New Nursia, and in the Apostolic Vicariate of Kimberley, and for the college instituted on Mount Oliveto for students of the Syriac rite,

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131. Charles Castelli, Archbishop of Firman, and other bishops of Piceno, receive a letter in which the Supreme Pontiff congratulates them on the gathering held at the Basilica of Lauretana, for having opposed the errors of modernism, and thanks him for the letters addressed to him, 132. The liquidation of the canonical right of patronage is not declared, 186 and following. Canonically assigned canons of the Chapter who enjoy the privileges and rights of Apostolic notaries, or those who are supernumerary, or who participate in the manner of those present, do not have the right, among domestic prelates, to be included in the Apostolic Brief, 317. The Gregorian chant can be sustained by organs on days when the sound of the organ is necessary; except for the parts of the Office and Mass, according to C

[*Latin ed. p. 696*]

696 Index analyticus rerum notabilium. The title "P. A. S. Catechismo di Storia tituli et instituti Societates ubique tersacra, Cremona, 1910" should be added to the index, 260.

Commemoration of all the faithful departed: Those celebrating the solemn Vespers for the Dead may put on the stole, if immediately after the Vespers they are to expose the Most Holy Sacrament, 282;

Commemorations: Their order is prescribed, 645.

Commissio de Re Biblica, see Matthaei (S), regarding the Completorium, how to recite it according to new dispositions, 641.

Conceptionis (SS.) de Araguaya, Prelature in Chile: The faithful are dispensed from the law prohibiting the mixing of meat and fish on days of fasting, 184.

Council: The Canadian plenary council is praised, 562 (see Canada). - The faculty of interpreting is granted to the archiepiscopal curias of Oregon, after the recent ordination, to the bishops of the Oregon province, so that they may receive letters in which grace is shown to them for the piety of each, but not to the sacred plenary councils, which are publicly reprobated by the Supreme Pontiff, 62.

Ciborium: The interior part, when illuminating during the exposition of the Most Holy Sacrament, should not be illuminated with electric lamps, 396.

Ciliciae Patriarch, confirmed in the Council, 592.

Clara Assisiensis (S.), dedicated to St. Mary in Portiuncula, there began the second order of the Franciscans, 96; her votive Mass is granted there, 97. New norms are given, 644.

Clerics who are brought before secular tribunals, without the permission of the Roman Pontiff, are subject in a special manner, 555.

The chapter of a collegiate church, erected into a parochial church, does not immediately acquire the rights of a parochial church, 142.

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A college for students of the Syriac rite, founded by the Benedictines of Monte Cassino, is praised, 131.

A confraternity is erected in Mexico City, in the church of Jesus and Mary, given the faculty of adding other confraternities of the same name and institute within the boundaries of the Mexican diocese, 123.

The faithful of the Colonie, who celebrated the Eucharist in communion with the Supreme Pontiff, brought a gift, and were healed of injuries, praised, and thanked through letters, 16.

Color: The stole for the priest exposing the Most Holy Sacrament, when the blessing immediately follows the solemn Vespers, should be of the same color as the vestments of the celebrant, 280.

The Superior Vicariate Apostolic of France receives a mission from the Vicariate of Loango, 104.

The boundaries of the Superior Vicariate Apostolic: the boundary that separates it from the missions of the men of Nyanza, Unianembé, and Nyassa, is changed, 199.

[*Latin ed. p. 697*]

Index of Notable Matters.

* **Corona Precatória a Septem Dolorum Beatae Congregationes (Sacrae):** The "Crown of Supplication" from the Sacred Congregation of the Seven Sorrows of the Blessed Virgin.

* **Concilium:** Council.

* **Mariae Virginis:** Of the Virgin Mary.

* **Defectus in benedictione Congrua a parochis cooperatoribus danda, sanantur:** Defects in the blessing of the "Congrua" to be given by cooperating parish priests are remedied. (478)

* **Non est participatio fructibus beneficii sed merces pro laboribus:** It is not a share of the benefits, but a payment for labor. (577)

* **Ab Epi- Corporis Christi festum, Dominicae secundae post Pentecosten perpetuo assignascopis assignari potest:** It can be permanently assigned from the feast of the Body of Christ, on the second Sunday after Pentecost. (574)

* **Suo die manet, mutato nomine:** It remains on its day, but the name is changed.

* **Consensus ad matrimonium necessarius:** Consent to marriage is necessary. (525)

* **In aliud: « Commemoratio solemnis Sanctissimi Corporis Christi », et eius octava:** To another: "Solemn Commemoration of the Most Holy Body of Christ," and its octave.

* **Consociatio, vide Societas, Sodalitas:** Association, see Society, Sodality.

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* **Consistorium:** Consistory.

* **Secretum habitum die 22 Novembris:** A secret meeting held on November 22nd.

* **Ad instar Octavae Epiphaniae privilegium erit:** A privilege similar to that of the Octave of Epiphany will be granted. (351)

* **Allocutio Summi Pontificis:** Address by the Supreme Pontiff. (585)

* **Proponuntur cardinales, (quorum Dominica festum subsequenti unus reservatur in pectore):** Cardinals are proposed, (of whom one is reserved in the heart for the following Sunday). (588)

* **Et nominantur:** And they are named. (589, 590)

* **Plures proponuntur Ecclesiae, et aliarum provisio jam per Bullam aut Breve facta notificatur:** More are proposed for the Church, and the provision for others is already notified by Bull or Brief. (591)

* **Ciliciae patriarcha confirmatur:** The Patriarch of Cilicia is confirmed. (582)

* **Publicum habitum die 30 Novembris:** A public meeting held on November 30th.

* **Novi Cardinales pileum accipiunt:** New Cardinals receive their biretta (pileum). (599)

* **Causa Correas Ioannis Baptistae episcopus Campinensis. Ven. Servi Dei Iosephi Cafassi prima vice postulatur et ad Sacram Rituum Congregationem remittitur:** The case of John Baptist Correas, Bishop of Campinensis, is brought forward for the first time. The cause of the Venerable Servant of God, Joseph Cafassi, is also brought forward and referred to the Sacred Congregation of Rites. (600)

* **Secretum ipsa die 30 Novembris habitum: novis Cardinalibus os clauditur:** A secret meeting held on November 30th: the mouths of the new Cardinals are closed.

* **Ecclesiae, et aliarum provisio jam per Bullam aut Breve facta notificatur:** Churches, and the provision for others is already notified by Bull or Brief. (600)

* **Novis Cardinalibus os aperitur:** The mouths of the new Cardinals are opened.

* **Sacri pallii postulationes pro Ecclesiis Metropolitanis fiunt:** Requests for the sacred pallia are made for Metropolitan Churches.

* **Novis Cardinalibus titulus assignatur:** A title is assigned to the new Cardinals. (601)

* **Conventus Eucharistici, Coloniensis, Londinensis, Marianopolitanus et Matritensis Dalmatia:** Eucharistic Congresses, of Cologne, London, Montreal (Marianopolitanus), Madrid (Matritensis), and Dalmatia.

* **Novae ieiunii et abstinentiae legis indultum probantur:** Indulgences

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for new laws of fasting and abstinence are approved. (361)

* **Ieium aliquando per abstinentiam strictam servandum, alicaput frequentiam peregrinorum et Communionum et concilia coepta:** Fasting is sometimes observed through strict abstinence, sometimes through the frequency of pilgrimages, Communions, and meetings. (14)

* **Item Matritensis, frequentissimi populi et ipsius Regis praesentia cohonestatus:** Also, the one in Madrid, with a very large crowd and the presence of the King. (365)

* **Conversi seu laici Religiosorum, v. Laici:** Converts or lay members of religious orders, see Laici (Lay people).

* **Cooperatores parochorum, v. congrua:** Cooperating parish priests, see "Congrua."

* **Corde Matris admirabilis (Consociatio a), ieiunii et abstinentiae legis indultum, 361; ieiunium aliquando per probantur:** The "Admirable Heart of the Mother" (Association), indulgences for laws of fasting and abstinence are approved. (361)

* **Tertius Ordo Sacri Cordis vel Eudistarum dicta, supremum obtinet Monderatorem Superiorem Generalem, pro Regularibus existentibus, Congregationis Iesu teneantur, 363:** The Third Order of the Sacred Heart or the Eudists, the Superior General has authority over them, according to the existing rules, and they are subject to the Congregation of Jesus. (363)

* **D'Annunzio Gabriel: plura eius opera in indicem referuntur, 200:** Gabriel D'Annunzio: More of his works are referred to in the index. (200)

* **De Bettinger Franciscus archiep. Monacen, 12; v. Bavariae:** Francis Bettinger, Archbishop of Monchengladbach, 12; see Bavaria.

* **Dedicatio Ecclesiae - est festum Domini primarium, 646:** Dedication of a Church - is the primary feast of the Lord. (646)

* **Cathedralis per totam dioecesim celebrabitur sub ritu duplici I classis cum octava ; sine octava tantum, 647:** The cathedral will be celebrated throughout the diocese under the double rite of the first class with an octave; only without the octave. (647)

* **Cordubae in Argentina Republica, templum a Regularibus proprium Calendarium S. Dominici in basilicam minorem erigebantibus, 647:** In Corduba, in the Republic of Argentina, a temple is being erected by the Regulars in a smaller basilica, according to their own calendar of St. Dominic. (647)

* **Lateranensis sub ritu duplici II classis deinceps celebrabitur, 648:** The Lateran Basilica will henceforth be celebrated under the double rite of the second class. (648)

* **Coreanus Vicariatus Apostolicus, in duos seinditur, de Taikou et de Seoul, 224:** The Apostolic Vicariate of Korea is divided into two, of Taikou

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and of Seoul. (224)

[*Latin ed. p. 698*]

098 Index analyticus rerum notabilium. Concerning Dieudonné de Corbeek-over-Loo, Baron, cf. The Pope congratulates him on the great benefits obtained by him from the aforementioned Work, 129. Deceased: A commemoration of all the faithful; the judicial deposit is deferred from sequestration, 107; it can be demanded from the judge before the process, 108, even perpetually, unless the occurrences are of the first class, 644; a new office is conferred upon him, the Des Moines diocese is erected in the United States of America, 479. This very year, he usurps, 650; regarding occurrences of Masses, 650. cf. Masses.

The Deacon and Subdeacon, wearing the dalmatic and tunic, cannot stand with the celebrant at Vespers, nor if these immediately follow the solemn Mass, 323, or, if they precede the Procession, 322.

De Hemricourt de Grunne, Charles, with the Imperial Marchioness and Baroness Dieudonné de Corbeek-over-Loo, exhibits the book « Vingt-cinq années de Gouvernement. Le parti Catholique Belge et son œuvre », to the Supreme Pontiff, receiving thanks for the devotion, 85.

Diaria, cf. Ephemerides.

Dismissal from Orders and Religious Institutes, cf. Expulsion.

New dioceses are erected: Des Moines, 479; Montes Claros, 26; - Fismes are immured: Friburgen, and others, 64; Passau and Ratisbon, 65; Ratisbon and Bambergen, 479.

"Dios y el César" - a pastoral letter in which Usküb is praised, 232.

De Ketteler, William, Knight Grand Officer of the Order of Merit of Malta, receives a letter in which the Supreme Pontiff congratulates him on the zeal shown in good works to the Melitite Knights, of whom he himself is the head, 17.

De, William, Knight of Honor of the Order of St. Sylvester, receives a letter in which the Supreme Pontiff congratulates him on the pastoral letter "Dios y el César," 232.

Director spiritualis, cf. Moderator.

De la Mennais, John Mary (Ven.), his life is briefly described; the cause for Beatification and Canonization is introduced, 165.

Father Schüler receives letters in which the Supreme Pontiff remembers the constant solicitude of the Apostolic See for the Eastern peoples separated from the unity of the Church, 117; the Christian doctrine is to be taught to the laity, 33; the same is recommended to the parish priests of Brasiliae, 263.

The Supreme Pontiff sends letters to the superiors of the Oriental rites, communicating the elevation to the dignity of Archbishop, 571.

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"Pensées sur la question de l'union des Églises" - this work is condemned as being full of errors and injurious to the Roman Pontiffs and to certain ecumenical councils, 118-120; the study of Orientals for the restoration of unity to the Church is approved, provided that the Catholic Faith is preserved, 121; finally, the author of the book is praised for having submitted himself to them, 121.

De Morlae, Ludovica, (Ven.), widow Legras, a woman who confounds the daughters of charity with her virtue, her life, 394; her works are wonderfully increasing day by day; her blessed death and fame of virtue, 395; it is decreed that her virtues are proven to be heroic, 395.

Demimuid, Mauritius, Supreme Moderator of the Sacred Priesthood of Paris, receives a letter in which the Supreme Pontiff...

[*Latin ed. p. 699*]

Index analytical of notable matters. ! 699 643; nor is a feast assigned unless it is found in the *Ephemerides* of good standing in Italia for the second class, 644; - which color should be used for vestments, 263, 312; and in Italia, 475; Mass, 648; temporary prescriptions, but those under the name of the Catholic Church are disapproved, 650.

Dominicus (S.): The Church of Gorduba in Argentina, existing, praises the Blessed Virgin Mary of Miracles, distinguished by an image, in a smaller basilica, 476.

Epiclesis: the sentence which teaches that the consecratory words of the Greeks do not effect the consecration unless after the epiclesis, a note of error, 177.

Dominicus from the Mother of God (Ven.), a priest, is reprimanded for not receiving the Passion of the Lord, 119.

His sanctity is renowned, 321; the cause of beatification is introduced, 321.

"Episcopal gatherings: their usefulness, 264.

The bishop, wearing a cope, is present in the sanctuary, and when proceeding to the altar to incense, or when receding from it, he kneels on both knees, 280.

The Apostolic Prefecture of Erythraea is erected into a vicariate, 94.

Christ promised the Church tribulations and victory, 656.

"Et incarnatus est" in the Creed: the celebrant kneels when reading these words, even on the Feast of the Annunciation of the Blessed Virgin Mary and the Nativity of the Lord, 661.

Stephanus Ehses receives letters in which he is praised for the fifth volume of the work by the Görresian Society, published by him and presented to the Supreme Pontiff, 565.

Frequent use of the Eucharist is praised and encouraged, 314, 587.

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Eucharistic Confraternity, see Confraternity.

Francis Eichert, and other members of the "Gralbund" Society, are praised for letters containing a commentary written by them, in which poetry is added to religion, and which they sent to the Supreme Pontiff, 344.

The third Order of the Eudists, see Corde Matris admirable.

Electric lamps cannot be placed in the innermost part of the ciborium, so that the Sacred Hosts may be better seen, 396.

The Gospel at the end is always to be read on Sunday or on a weekday, when a commemoration of these things has been made, 648.

Excommunication *latae sententiae* is reserved to the Roman Pontiff and is pronounced in the case of ecclesiastical persons before lay tribunals, 555; also against Arnoldus Harris Mathew, Herbertus Ignatius Beale and Arthurus Gulielmus Howarth, 53.

Exemption privilege: Religious are exempt, and cannot be convened before the Order, 430; nor where Conservators are not elected, 431; nor where monks, having been expelled from the monastery, live individually, 432.

Spiritual exercises to be promoted among the Brazilian clergy, 311.

"Exhortation to the clergy" already given, is to be observed, 312; the Pope rejoices at this, 21.

[*Latin ed. p. 700*]

700 Index analyticus rerum notabilium. Those who are mindful of the rights of the Apostolic See, and who condemn those writers of ephemeral publications who, with their ingenuity and lack of orthodoxy, celebrate outside of the prescribed hours of the Holy Sacrament, and the feast of the Most Holy Body of Christ, which can be celebrated with consecrated hosts, even immediately after Mass, 282. - Quadragesima, except for certain things, 305; even if sixty hours: indulgences and privileges of the altar should be observed according to a vow or established rule, and Mass should be applied to votive prayers and the solemnity should be observed in the exposition of the Blessed Sacrament, 391; the obligation of applying Mass for the people remains, and it cannot be suspended for nocturnal exposition, 279. Vigils, which were previously observed by vow or custom, are to be observed: expulsion from Orders and religious institutes; from a vow or celebrated with the consent of the people, and those who are dispensed from it do not lack their Mass, 648; new rules are not to be introduced for this now, 650; on Sundays, admonitions and corrections are to be given, 235, for which a reason is assigned, how it should be celebrated, 650. The preeminence of feasts is to be determined by the one who is responsible; proofs required to demonstrate the reason; defects of repentance, 236; acts are remitted to the Superior General: defense and appeal are granted; when immediate remission to the sacristy is permitted; for which offenses

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is expulsion from office considered, 237; communication of the sentence to the Ordinaries; suspension of expulsion; its readmission under certain conditions, 238; for those who bear judgment, it is to be proven and confirmed before assuming office, 134. The Daughters of Providence of Saint-Brieuc, founded by the Venerable Servant of God, John Mary Robert De la Mennais, 165. Anthony Fischer, Cardinal, Archbishop of Cologne, receives a testimony of gratitude from the Supreme Pontiff for the Eucharistic communion celebrated for him by his faithful, and for the acts of devotion performed on the occasion of the public injury done to the Supreme Pontiff, 15; also, the Supreme Pontiff congratulates the group for peace, which consists only of justice and charity, 473; for this, he pours forth prayers from the bottom of his heart, 474; the conditions for communion are established and announced, 589. John Mary Farley, Archbishop of Neo-Eboracum, receives letters in which the Supreme Pontiff expresses his gratitude for the letter sent by him, for the prayers offered for him, and for the Petrine stipend, 474; also, he urges the removal of the ecclesiastical economy of parishes, even if it is opposed by civil authority, prudently vindicated; he also calls upon professors in atheist schools to take an oath against modernism, who simultaneously hold priestly or beneficed positions, 637; when they can be said, 647; also, next year, 650. Andrew Ferrari, Cardinal, Archbishop of Milan, the Florentine Council falsely argued that the Greeks have returned to unity, the erroneous declaration of the Council of Milan and the Province of Milan, 120. The Rhaudi gathered together, receive a letter in which the Supreme Pontiff praises them for their concerted efforts against Catholics, 200. Anthony Fogazzaro: a work of his is referred to in the Index, 200. Experiments in "Re Biblica," 296 (see Laurea, Prolytatus).

[*Latin ed. p. 701*]

Index analyticus rerum notabilium. 701 Franciscus Xaverius (S.): Institutum Aemi- Gibbons Iacobus, cardinalis, archiepiscopus Baltimoren., testimonium grati animi accipit ob litteras, nomine etiam Antistitum qui Washingtonii convenerant scriptas, quibus assecutum incrementa, pluresque iniuriae reprobantur Romano Pontifici et in Urbe publice illatae, 98; item litteras gratulatorias accipit, occasione quinquaginta anni ab initio sacerdotii, ac vice quinta a sacra Purpura recepta, 267. Fratres ab instructione Christiana de Ploër- Gomales Callistus, et Aloisius Anicetus mel a venerabili servo Dei Ioanne Maria Roberto De la Mennais instituuntur, 165. Friburgensis dioecesis certa loca cedit dioecesibus Moguntinae et Herbipolensi, 64. Fuga a monasterio cum mulier, est causa sufficiens ad immediate expellendum religiosum, 237. Funera parochianis parochis reservata, 616. Fuset Fridericus, archiepiscopus Rothomagen., ceterique provinciae episcopi, per litteras laudantur de ratione ab eis invecta in admittendis pueris ad convivium Eucharisticum, 16; Summus Pontifex ei gratulatur ob erectum B. Ioannae de Arc publico monumento,

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